

A
DIALOGUE
BETWEEN
A. and B. Two Plain Countrey-Gentlemen,
Concerning the
TIMES.



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A DIALOGUE between A. and B. Two Plain Countrey-Gentlemen, &c.

A. **S**IR, I am very glad we are thus happily met according to our appointment, in order to decide (if possible) the Difference that is between us concerning the late Revolution. I confess the Subject is such that you may think your self obliged to be very cautious and reserved in treating of it: But since there are none present but our selves, I hope the mutual Confidence we have in one another will easily free you from all unkind Suspicions, and engage you to use the same Freedom and Plainness with me on this as you have hitherto done upon all other Occasions. Pray tell me then innocently, why you are so obstinate in refusing Submission to the present Government.

B. Truly the Reason of it is, because I look upon it as a downright Usurpation, unnaturally begun, and unreasonably maintained, against all Law and Right both Divine and Human.

A. It seems then, that in your Opinion K. W. is no more but P. of O. still, and that our True and Rightful King is K. James.

B. I shall not dispute the Title of King that you have given the P. of O. that, I grant you, he has more than he had before, and no doubt will die with it: But that he has any Right to the Regal Authority or Supreme Government of those Kingdoms whereof he has assumed the Title, that I utterly deny.

A. Who has it then? King James?

B. Yes certainly, and none on Earth but he: For though at present he is deprived of the Power and Opportunity of exercising it, as a Father may sometimes be forced from the exercise of his Paternal Authority, yet he has still the Right to it, and that so incommunicably,

that while he lives and claims it, none else can lawfully pretend to it.

A. That he once had that Right I grant, and do likewise believe he might have still retained it, if it had not been his own Fault: But that he has it not now, you cannot but know to be the settled Opinion of the far greater part of these Three Nations, whether you consider their Number or Quality, which, however you may slight it, is yet a thing of so much Weight, that you had need have very good Reasons to ballance it.

B. Number and Quality I will allow your Party, though perhaps not in that Degree that you imagine, it being very usual to magnify both these above what is just: For if out of your Numbers we substract those that are acted purely by their Interest, and those that are imposed upon by meer empty Shews and false Appearances, without ever examining the Truth of things; that is to say, those that speak otherwise than they think, and those that do not think at all, neither of which can be much reckoned upon, the former not being truly yours, and the latter so unaccountably such, that it is impossible you can be sure of them; I say, if both these were scored off from your Party, you would have no great Reason to brag of their Number: And as for their Quality, I do not well understand in what Sense, or on what Account you urge it: For my part, I know no Quality nor Qualification to be considered in such a Case, but such as is adapted to gain Credit to a Man's Opinion, or to enhance the Value of it, the chief whereof are Learning, Piety and Integrity. And as for these, I hope it will be no great Vanity to affirm, that those

of our Side are nothing inferior to yours.

A. I know all of you do what you can to lessen both the Number and Quality of those of our Persuasion, of purpose to keep up the Courage of your own. But as long as I see the whole Representative Body of the Nation, and the whole Regular Clergy of that Opinion I dare to say, 'tis impossible there can be any tolerable Competition between your Side and ours.

B. As for the Representative Body of the Nation, by which I suppose you mean the Parliament; (though I pay as great a Deference to it, when duly considered, as you or any man else, yet) I must tell you, that from what is debated or transacted by them, it is very hard to give a true Judgment of the Sentiments of the Nation; partly because Elections are now ordered, they are but a very partial and inadequate Representative of the Nation, a great many having either none to represent them, or none but what are objected upon them; and partly, because after they are elected, whatever happens to be debated, however far from being foreseen or so much as dreamed of by those whom they represent, they do not think themselves obliged to consult them about it, nor so much as to acquaint them with it. But besides that, to think that all the Representatives of the Nation are of your Opinion concerning what is now in Dispute, is to shew your self a little too credulous: For though I grant they have taken Oaths to the present Government, yet as the Times go now, that can be no such Security, but that in the mean time they may be undermining it. You know it was so in K. James's Time, and why may it not be so now? To conclude from Mens swearing Allegiance, that they are and will continue true and faithful Subjects, was so great a Fallacy then, that it were very strange if it should amount to a Demonstration now. But suppose it were as you alledge, that the whole Representative Body of the Nation were unanimously cordial for the Support of the present Government, in Opposition to the former, what you would infer from it will very hardly follow, namely, that the Dissentive Body is so too, or so much as the greatest part of it: If that Consequence

were good, the Government could be at no loss by dissolving this present Parliament and calling another; and yet you know how peremptorily your King has refused it, to the great Dissatisfaction not only of both Houses of Parliament, but even of the whole Nation; of which the only true Account that can be given is, that he is very apprehensive that a new Election might prove very prejudicial to his Affairs, or that upon a new shuffling and cutting there might chance to trump up a Card that would spoil his whole Game. That alone may sufficiently demonstrate that in this matter your King and you are of different Opinions.

A. Well, but what is your Opinion of the Church? Are not all the Clergy of our Side? What do you say of them?

B. Why truly, if you had not mentioned them again, I should have said nothing of them: Not that I had forgot you had mentioned them before, but because they have indeed so far prevaricated and swerved from their Principles, that I know not what to say to them. Their Profession I very highly honour, and have a great Respect for some of their Persons, particularly one, whose Compliance has occasioned me many a sad Thought: But I must tell you, their so shameful receding from their former Principles, and pulling down with the one hand what but lately they had so zealously built with the other, is such a Scandal to their Profession, a piece of Dissingenuity so ill-becoming their Character, that there are scarce any will take upon them to excuse, much less to justify it. Nay, they themselves are so very sensible of it, that for want of a better Evasion, they were forced to own that they were formerly in an Error: For thus their Apology runs. *Those Doctrines we formerly taught, such as that of Passive Obedience to the Supreme Governour, that he derives his Authority immediately from God, and is accountable to none but him for the Exercise of it: That it is not Lawful on any Pretence for Subjects to take up Arms against him, or (which is all one) to join with those that come purposely to invade his Right. These Doctrines, however zealously we preached them up formerly, as very Orthodox, and very necessary Points of Religion, are yet nothing*

nothing else but mere Human Fictions, contrived of purpose to flatter the Ambition of Princes, and cheat the People of their Liberty. 'Tis true, the Jesuits, especially they that had imbibed the Oliverian Principles, told us so then, but we either did not or would not believe them. nay, more than that, insinuated against their Opinions, and pretended to demonstrate that they were not only Antimonarchical, but likewise Antichristian, and on that very Account did think it very improper to allow them any Toleration. But now the Case is altered: However we might in former times represent them then, we are now very well assured that they were in the Right. Is not this a very pretty Apology? Do not your Clergy come off very gracefully in this matter? Pray, what do you think of it?

A. Truly, I cannot deny but that there is something of Truth in the Charge you bring against them, though at the same time I think you have been a little too severe in the drawing of it up. However this much I would have you to consider, That the Clergy of our Church are but Men, and the best of Men may sometimes be in a Mistake. Besides you yourself know, that the Church of England, even in its greatest Grandeur, never pretended to be infallible. Wherein then lies this great Reproach of the Clergy?

B. That the Church of England, at least since the Reformation, has not laid Claim to an Infallibility, is so far from being any Reproach to her, that it very much commends her Modesty: But withal I would have you to consider, that there is a very great Difference between a Church's not claiming Infallibility, and a Church's owning her self to have actually failed, especially in proposing the Doctrines of Religion: For though there is really no Reproach in the former, yet there is a very great one in the latter, and a very great Inconveniency too: For though a Church is not really Infallible, yet as long as she insists upon her not having actually erred, or that no such thing can be made appear, I may very confidently rely upon her Guidship; in such a Case I am really as safe and may be as confident, as if she pretended to an absolute Infallibility; perhaps more, because an Infallibility requires a blind Obedience to what it

proposeth, without ever examining what it is, which the other does not. But when a Church owns that she has already erred, and that in very material Points too, with what tolerable Confidence can a man rely upon her, and how doubtful must that Assent be which he gives to what she proposeth? For if she has failed in one Thing 'tis natural enough to conclude that she will do so in another; and then what tolerable Security can we have that she is in the Right in any thing? Even when she proves what she says by Scripture, I cannot but suspect her Sincerity, because she pretended to demonstrate by express Texts of Scripture those very Doctrines she now disowns.

A. These may have been the Failings of some particular Persons; but you very well know, that to charge a whole Church with the Failings of some (though even of her most considerable Members) is very dissingenuous.

B. I grant it is so; but deny that I have been guilty of it: No, the Innovations and Contradictions I have mentioned are chargeable upon your whole Church. As for Instance, it was formerly the professed Doctrine of the Church of England, That it is not Lawful, on any Pretence whatever, for Subjects to take up Arms against their King; which evidently implies, that neither should they themselves deprive him of his Right, nor be assistant to those that would do it; but on the contrary, that they should stand by him and support him in it. That this was formerly the Doctrine of the Church of England does evidently appear from this, that no Person was to be admitted into the Ministry, in any Degree whatever, without Subscribing to it: And it does no less evidently appear on the other hand, that the present Clergy are of a quite contrary Opinion, inasmuch as they have actually sided, join'd hands and taken part with those that have invaded his Right, and violently detain it from him; and that at such a Time and in such a Manner, that, without such a base Compliance, it can hardly be imagined how Things could have been brought to that now they are at. This I say your Church has done, and in so doing has justified and incorporated into her new Religion a Doctrine which

which by the former Church of England, was not barely disowned, but detested with the greatest degree of Abhorrence: In a Word, your Clergy are so *Latitudinarian* both in their Principles and Practices, nay, even in their very Oaths, that it is impossible to know either when or where to fix them; for they have so cunningly order'd Things, that on the same Grounds on which they now swear and preach and pray against King *James*, on the very same Grounds, if ever he should return and prevail, they would as heartily swear and preach and pray against *K. M.* so that they are always sure to be of the strongest Side, and yet always in the Right. These are the mighty Champions you boast of, that they are all of your Side; I grant they are so, or at least pretend to be: But indeed how can it be otherwise? For you very well know, that no sooner does one declare the contrary, by refusing to swear and comply, than immediately he is turned out of a l, and another put in his Place: Whereas if they were allowed the Liberty to speak their Minds freely, and yet be secure of their Livings, you would quickly find, that they are not so entirely yours as you may imagine.

A. The Truth is, If they be such as you have endeavoured to represent them, 'tis no matter whose they are: But of that enough. Let us return, if you please, to where we were when I led you into this Digression. You may remember we were speaking of King *James's* Title to the Crown; whence I took Occasion to put you in mind of the vast Number and Quality of those that are against it, in Comparison of those that are for it. Not that I thought there was any great Stress to be laid upon that, but merely to know what you would say of it: For I very freely grant, that neither the Number nor Quality of either Side will signify much, except they can give very good and satisfactory Reasons for what they say. And therefore having already said what I think is sufficient of the one, let us now discourse a little of the other. You contend that King *James* has still the true and lawful Right to the Crown; and consequently, that all the Right *K. M.* has is merely Usurped.

B. I do so.

A. Well, But can you give me any good Reason for it?

B. Yes, I believe I can. That he once had that Right you your self have granted, and consequently must likewise grant that if he has never yet been legally deprived of it, he must have it still.

A. I must confess the Consequence seems natural enough, though at the same time I believe a Man of Learning might make some Exceptions against it: However, rather than draw you into another Digression, I am willing to let it pass.

B. Nay, if you have any Thing material to urge against it, pray, do it now: For that will be much more proper than to recur to it afterward. I do not love to leave a Back-Door open behind me, lest when you come to be pinch'd or put to a Strait, you should happen to dodge and so give me the Slip, which is no unusual thing in Disputes, especially when they are not managed with great Candour and Ingenuity. And therefore, I say, if the Consequence I mentioned does not please you, pray give me your Reasons now, that so there may be no occasion of recurring to it afterward.

A. I tell you again that though some perhaps may be of another Opinion, yet I do not see but that your Consequence is good; for I verily believe that when one has a just Right or Title to any Thing, that Title is still good till he is lawfully deprived or dispossessed of it; so that all I can demand or expect of you, is, That you should give me some good Reason why you think that King *James* has not lost his Right, though the Generality of the Nation thinks he has, and have proceeded all along on that Supposition.

B. Since you own that he once had that Right, I conceive it is rather incumbent on you to shew how he has lost it, than on me to prove that he has not lost it; for that were to put me upon the Proof of a Negative, which in most Cases is very hard. Suppose I am not only actually but legally possessed of an Estate, and another comes and violently drives me from it; if afterward the Matter comes to be debated before a Judge in order to a Decision, it cannot reasonably be demanded that I should prove

prove my Title, because it being acknowledged to have been good before he invaded it, it must be presumed to be so still, unless he can disprove it: So that the proof must lie wholly upon him, and those that are of Counsel for him, there being no more incumbent on me but only to answer those Arguments by which he endeavours to prove that I have forfeited my Right. Just so it is in the Case now in Dispute. So that to expect that I or any man else should prove that King *James* has not lost his Right, any otherwise than by disproving those Arguments by which your Party pretend to make it appear that he has lost it, is both a very great Hardship upon us, and a very preposterous way of arguing.

A. I am satisfied that what you now say is very reasonable; that it is chiefly the part of your Adversaries, not only to prove K. *W's*. Right to the Crown, but also to disprove that of King *James*, because the one cannot be done without the other. Yet partly because I am very loath to venture upon so great an Undertaking; and partly because I am very confident you would not be so obstinate in maintaining King *James's* Right, without some very good Reasons, more than what are barely Negative or purely defensive: I desire you will be pleased to make the Proof upon you, though at the same time, I grant, you leave a more advantageous Post, and forgoe an advantage you may justly claim.

B. To leave ones Post is like venturing out of ones Depth, which many have had reason to repent of, and so perhaps it may fare with me. Yet since you seem so desirous that I should not only give but prove my Opinion, I will endeavour to give you some Satisfaction; hoping you will be so reasonable as not to expect any other Arguments than the Nature of the Thing will bear.

A. Truly you might think me very disingenuous, and your self very ill rewarded for your Complacency if I should; but you may assure your self of the contrary, and therefore, pray, be pleased to go on.

B. Inconsistence of that I will; and that I may reduce my Discourse to as narrow a compass as may be there are two Things which I shall take for granted. First, That K. *James* was

once our True and Lawful King: That is to say, that by the Fundamental Laws of the *English* Monarchy, He and He alone, was invested with the Lawful Right of governing these three Kingdoms and all other Dominions thereto annex'd, as undoubted Heir and Successor to his Royal Brother. The Second Thing is necessarily consequent upon that; namely, that having once had that Right, if he has not lost it since, he must needs have it still. These two Things being granted, it only remains that I give you the Reasons why I contend that he has not lost that Right, at least not by any Law or Justice; and for that, I think, there is no better Reason needs be given than what you your Selves furnish us withal.

A. I should be very glad to hear that Reason, for it seems very strange to me that a Reason borrowed from us, can with any Success be urged against us.

B. However strange it may seem to you, it is no less satisfactory to me, for the Reason I intend to urge is the vast Difference among your Selves, nay, the absolute Inconsistency of your Opinions, when you are put to it to declare how or by what means King *James* came to lose his Right. That he has lost it, I grant all of you agree, or at least pretend so to do; but when we call upon you (as very reasonably we may) to shew us how or by what means he lost it, instead of a satisfactory Answer which all of you will stand by, we meet with nothing but meer Shifts and disingenuous Shuffling; some pretending one thing, and some another. There are of this Matter, at least three or four several Opinions among you, and all of them not only different from, but utterly inconsistent with one another. Some will have it that he forfeited his Right by *Mis-Administration*, in subverting the Laws and breaking the Original Contract. Some that he *Abdicated and Resigned* it. Some again contend that the *People* (having in some Cases a Right so to do) *did really depose him, and transferred his Right to another.* And some that he lost it by *Conquest*: By which I suppose they mean that he was *hector'd out* of it. Let any Man but compare these Opinions together, and he may easily see their Inconsistency to be

such,

such, that if any one of them be true, the rest must be false; which is a very shrewd Suspicion that indeed they are every one of them false. 'Tis much of the same Nature with that Argument which is commonly urged against the Infallibility of the Church of Rome: For however peremptory they are in laying Claim to it, verinasmuch as they cannot agree among themselves where to fix it: Some placing it in the Pope alone without a General Council: Some, in such a Council without the Pope: And some, neither in one nor t'other apart, but conjunctly in both: That very Inconsistency of their Opinions is urged as an Argument that indeed there is no such Thing among them; and a very good one it is too, at least *ad hominem*. For though a Thing may otherwise have some Semblance of Truth, yet when they that Authorise it cannot agree among themselves, but palpably contradict one another in their opinions about it, it must needs be a mighty Prejudice against it; and so it is in the Case now under Consideration. However unanimous you may be in asserting that King James has lost his Right, yet inasmuch as you differ so much among your selves, when you come to declare how or by what means he lost it, that it is impossible to reconcile you, it is a very convincing Argument that indeed he has not lost it, at least that you your selves cannot so much as pretend to be assured of it.

A. Is it so? Truly, whatever you may think of it, in my Opinion 'tis the weakest and most unconvincing Argument that ever I heard in my Life. For at that rate of arguing who ever a Man loseth, if it cannot be made appear which way he lost it, he must have it still. Suppose a Man goes out in a Morning with good Store of Money in his Pocket, and feeling for it a Night after he returns Home, finds there is never a Great left: In that Case I believe it will be no hard matter to convince him of his Loss, though perhaps he himself cannot tell neither when, nor where, nor how it happened: And if he himself cannot give any certain Account of it 'tis a great Chance but others may have very different Opinions of it. Some (no doubt) will conclude that his Pocket was pick'd in a Crowd:

Some again, that being drunk he treated all the Company, and paid an extravagant Reckoning with it, which now he has quite forgot: And it is likely enough that some will tell you he has been bubbled out of it, or squandered it away at Play, if not at worse Exercises, but that he himself is ashamed to own it. However certain the Loss may be, these and many more different Opinions there may be of the Way and Manner how it happened: Out of which Variety of Opinions, I perceive you, like a good Chymist, can very dexterously extract this healing Cordial: Courage Sir! Had all they who seem to believe your Misfortune unanimously agreed upon the Way and Manner how it happened. I should have thought your Money had been lost indeed; but since their Opinions are not only different but utterly inconsistent, you may assure your self your Money is in your Pocket still. If you can draw such Uses of Consolation from Doctrines so little capable of affording them, 'tis pity you don't set up for a Holder-forth.

B. No: I perceive it is time for me to look to my Hits; for I find by the Briskness of your last Reply, that if I should happen to make a false Step, you would have no Mercy on me; but to shew you that you have not taken me at that Disadvantage you may imagin. I would have you to consider, that between losing a Thing, and losing ones Right or Title to it, there is a very great Difference; for the one may and many Times doe happen without another; a Man may lose a Thing and yet have the same Right to it that he had before, and on the contrary, a Man may lose all his Right to a Thing, and yet retain Possession of the Thing it self; so that there is a great Difference between these Two.

A. I grant there is, but is that Difference any thing to the Purpose?

B. Yes, so very much that it quite invalidates your Reply, and leaves my Argument in full Force.

A. If you can shew me that you do a great thing, for as I take it the Reply has fully answered the Argument.

B. That you will find to be your Mistake. Indeed if the Dispute were only concerning

a Man's bare losing or being deprived of a Thing, however injuriously, I grant the Reply you have made would be satisfactory enough; for without all doubt a Man lose a Thing, though neither he nor any Man else can tell how he lost it: And in such a Case let Mens opinions of it be never so different, what is lost is lost, and perhaps may never be recovered. But however true this may be, I must tell you, it is nothing to the Purpose we were speaking of: For you cannot but know, that the Subject of our Dispute is not the bare losing of a Thing it self, but the losing of ones Right or Title to it, which (as I have already said) is quite a different thing: For though I grant a Man may lose a Thing and no body know how, yet that he should lose all Right and Title to it, and no body should know how, is *Non sence*; for there is no way to know certainly that one has lost his Right, but by knowing certainly how he lost it. You speak of one's losing his Money, which you say might very well be, and yet no body know how, and indeed I say so too: But pray let me ask you one Thing. When he lost his Money did he likewise lose all his Right and Title to it? If you say he did, it must be made appear how he lost it, and that very plainly too, or it will be impossible to convince him, or any Man else, of the Truth of it. Thus you see what a Blundering you have made purely by mistaking my Argument: I affirmed one thing, and you denied another: My Argument is concerning the loss of one's Right; and your Answer is concerning the loss of what one has still a Right to; which two are so far asunder that they can never meet one another.

4. The Truth is, I do now partly see my Mistake. The Distinction you have made between losing the bare Use of a Thing, and losing all Right and Title to it (which I own to be two very different Things) has so far undeceived me, that I perceive there is more force in your Argument than I did at first imagine: But withal I must confess, that I do not so fully comprehend neither the Meaning nor Force of it as I could wish; and therefore do earnestly desire you will be so kind as to explain it a little further.

B. I do not much care if I do: And in order to it, shall make Use of the same Instance you mentioned; that is, of a Man who having his Pocket well stored with Money, and being very well assured that it is his own, that no Man else can pretend any Right or Title to it, does on that Consideration become more careless and secure than perhaps a wife Man ought to be, thinking no body would be so injurious as to offer to deprive him of it: By this means it so falls out, that this Money is lost, and another Man is actually in Possession of it. Now in this Case the Dispute between you and me is not whether this Man has lost his Money or not; of that I am no less sensible than you are: All the Dispute is about the Right and Title to it; Whether or nor when he lost his Money he did likewise lose all Right and Title to it: If he did, I grant there is no Wrong done him, nor can be in Reason pretend to any thing of Restitution: But if not, I hope you will allow him to insist upon his Right still, and to do what he can to recover it, or rather to assert and vindicate it, for to speak properly, what was never lost can be said to be recovered. This, I say, Whether or not the Man in losing his Money did really lose all his Right and Title to it, is the only Thing in Dispute between you and me. That which I have undertaken to prove is, That he has not lost it, but ought still to insist upon it: The Argument I have urged for that Purpose is grounded on this Supposition, That when the Matter comes to be enquired into, they who maintain that he has lost his Right are so far from making it appear how or by what means he lost it, that their Opinions about it are not only very different, but indeed very inconsistent. The reason of the Consequence is that common Axiom among the Lawyers, *That de non apparentibus & non existentibus eadem est ratio*, that is to say, That if a Thing does not appear to be, it is the same Thing in Law as if it were not: And if so, he that says such a Man has not lost his Right, says no more than he that says it is not made appear he has lost it. But the Force of this Argument does yet more fully appear, if we proceed a little further in this Supposition, and bring the matter before a Judge.

Let us then suppose both Parties to appear in Court, both he that has got Possession of the Money, and he that still claims a Right to it, together with their Friends and Followers, of which, you may be sure, the former will have the far more numerous Train, for a reason I shall not need mention : But it is no matter for that, there they both are, in order to have a Trial ; and as Losers do usually take a Liberty to talk the Plaintiff, or he that has lost his Money, will be sure to begin the Debate, by insisting on his Right and demanding Restitution : The Defendant is likewise very obstinate in asserting his Right.

How can that be ? Says the Judge. You cannot both have a Right to the same Money, in Opposition to one another, and that at the same time too. Who had the first Right ?

That had I (says the Plaintiff) and have been most notoriously injured in it.

Truly (says the Defendant) I grant his Right was prior to mine ; but he has so far lost it to all Intents and Purposes that he cannot now in any Reason lay claim to it.

Is it so ? (says the Judge) Do you own that you have lost that Right you formerly had ?

No (says the Plaintiff) I do utterly deny it, and dare him and his whole Party to prove it.

Look you Gentlemen (says the Judge) this is not a regular way of proceeding. Your affirming and his denying will signify nothing in a Court of Judicature : Nothing but substantial Proofs and solid Replies can take place here, and therefore I must put you in a right method of managing this Debate. Since then it is acknowledged by both Parties that the Plaintiff had the first Right to the Money in dispute, I must tell you that are the Defendant, barely to say that he has lost that Right, is no Proof that he really has lost it. No, you must make it appear, and that very plainly too, else his Right will be presumed to be good still. I must likewise tell you that it is impossible for you to make it appear that he has really lost it without you can make appear how or by what means he lost it : For alas ! a Man's Right is of very great Concern, a very tender and precious thing : And accordingly our Laws have made so many excellent Provi-

sions for the Security of it, that indeed it cannot easily be lost. There are but very few ways by which a Man can forfeit it. And therefore, since it is granted that the Plaintiff had once a good Right to that Money, you that are of the Defendant's Side, must either make appear how or by what means he lost that Right and Title, or otherwise you do nothing at all. Having thus given you what Directions I thought necessary, in order to put you into a right method of proceeding the more regularly, it only now remains that we examine what evidence they that are of the Defendants Side can bring against the Plaintiff to prove the loss of his Right. Come then, you, honest Friend, that put your self forward, you look as if you could make some Discovery of this Matter, What do you know of it ? Has the Plaintiff lost his Right to this Money, or not ?

First Evidence. Truly, if it please you, in the first place, that he has lost his Money is most certain.

Judge. That he has lost his Money we all know, but that is nothing to the purpose : The Question is, Whether or not he has likewise lost all Right and Title to it, what do you say to that ?

First Evidence. I do likewise say that he has lost all Right and Title to that Money as much as if he had never had it.

Judge. Well ! But how did he lose it ? If it be lost, he must one way or other have forfeited it or yielded it up, and that way you must specify and make it appear, else you say nothing at all.

First Evidence. Truly as to that, I know nothing of the Matter. Indeed, I never made any Enquiry into it. I was told he had lost it, and that was enough to me. Why should I go and ask any farther Questions how or by what means he lost it ? I do not love to trouble my Head with such impertinent Enquiries.

Judge. Say you so ? I do not think such an Enquiry had been impertinent at all, because I cannot imagine how you can pretend to know the one, without being satisfied of the other.

First Evidence. No ! That is very strange. But to shew you the contrary, I tell you again that I know no more how he lost it than the

Man

Man in the Moop does, nor indeed ever examined it, and yet I am as well assured he has lost it as I can be of any thing.

Judge. As how?

First Evidence. Why, thus. This Man to my knowledg has the Money in his Pocket: How then can another Man have the Right to it? Can another Man have a Right to what I have in my Pocket? That were a good one indeed, for at that rate he may (for ought I know) pretend a Right to my Wife too; for if a Man cannot be sure of that he has in his Pocket, he can be sure of nothing. And besides that, you your self did very learnedly observe that both of them cannot have a Right to it at the same time.

Judge. I did so, but what then? that does not hinder, but that while one of them has the Money, the other may have the Right.

First Evidence. If so, I think the best way to put an end to this Dispute will be even to let Things continue as they are: That is to say, let each of them keep what he has, the one his Right, and the other the Money, and then 'tis to be hop'd they will be both satisfied. That I take to be a very reasonable Composition, and the most equal Decision that can be made in this Matter.

Judge. You are call'd here to give Evidence and not to give Advice, and so you may return to your Place. Such an odd piece of Evidence (I must confess) I have not lately met with. If there be many more such, this Dispute may easily be decided; but it is to be hop'd they are not all of a piece: Let us examine some more of them. You that stand next there. Do you know any thing of this Matter? I suppose you will allow that this Plaintiff had formerly a Right to that Money he now claims. Can you give us any account then how he came to be divested of that Right?

Second Evidence. Yes, I can give you a very true and plain Account of it.

Judge. Very well, That is it we want: Go on then in your Evidence and tell us plainly what you know.

Second Evidence. That he has lost all Right and Title to that Money is most certain; the Way and Manner thus. After this Money had

legally fallen to him, he liv'd for some time regularly enough, and kept himself within the Bounds of Moderation, inasmuch that we had conceived very great Hopes of him; but perceiving him to alter his Conduct by degrees, we began to be undeceived, and at last found our Selves utterly disappointed: For instead of applying his Money to such Uses or Purposes as were proper, or making it any way subservient to the Exigencies or Interest of those that had any dependance upon him, and were immediately under his Care; instead of that, I say, he abused it to all the Extravagancies imaginable, invaded their Rights, encroach'd upon their Privileges, and by the Advice and Concurrence of some ill-designing Men whom he had made choice of for that Purpose, he endeavour'd to make himself more Absolute than either it was fit he should be, or the State he was in would bear. Thus far he did, and thus far we suffered: Until at last finding there was no redress of these Grievances, nor no expectation of better Usage for the future, but rather of having every day greater Hardships put upon us, we thought it high time to consult our own Safety and Interest; and accordingly being very sensible that all other Expedients would prove ineffectual, we unanimously depriv'd him of all the Right and Title he had to that Money, which he had abused to such ill Purposes, and put it in the Hands of another, who (we had Reason to believe) would make a better use of it. This is a true and plain Account how he came to lose his Right.

Judge. The Account I grant is plain enough, but how true it is will best appear by some further Enquiry. If I do not mistake, you told us that the Persons to whom this Man did those Injuries which you so much aggravate, were such as had a dependance upon him and were immediately under his Care, to which (I suppose) it may be added that they were likewise under his Authority. Now I would gladly know whether or not you that took upon you to deprive him of his Right were of the Number or not?

Second Evidence. Yes, all of us were of that Number.

Judge.

Judge. That (I must confess) is in my Opinion very strange. Indeed if the Case had been thus; if that Money had been committed to that Man only by way of Trust, and that upon such Terms and Conditions, that it should be applied only to such and such Uses, particularly for the Benefit and Advantage of those that had a dependance on him, and had you with some others been nominated in that Conveyance as Overseers, and empower'd to call him to an account, in case these Conditions should not be duly perform'd. I say, if the Case had been thus, you had done no more in depriving him of his Right than what you might very well answer for, supposing the Charge which you have brought against him to be true. But for ought I can see, the Case was very much otherwise. Here is nothing made appear of any such conditional Conveyance to this Man, nor any Persons nominated to oversee, much less to controul him in the Management of it: On the contrary, you your self own that all of you who were concerned in depriving this Man of his Right, were such as had a dependance upon him and were under his Jurisdiction. Now, that Persons thus stated should take upon them not only to call him to an account whom they own to be their Superior, but likewise to deprive him of his Right, is a thing so very strange, that I must confess I cannot understand it. It is indeed a perfect Contradiction, for it supposes you to be under his Authority and to have a dependance upon him, and yet at the same time it subjects him to your Authority and makes him wholly to depend upon you; which two things let who so will reconcile, for my part I cannot. I grant, something like this at least in appearance may be agreed upon by an express mutual Compact. As for example, B, C and D, may enter into Articles with A, and oblige themselves that as long as A does duly and faithfully perform such and such Conditions, they will be subject to him and obey his Commands, but with this *Proviso*, that A. shall likewise oblige himself, that in case he does not perform these Conditions, he shall be accountable to them and liable to be deposed by them. In these and such like Compacts there is some Reserve of Superi-

ority still good even to the Subjects, by which they may, in some Cases, call those to an Account, to whom they have conditionally subjected themselves: But to pretend to such a Reserve, or to challenge such a Right in other Cases, where no such Compact is produced, nor can be made appear ever to have been made, is *Non-sense*.

Second Evidence. In many Cases, if not in most, though no such express Compact can be produced, yet there must be an implicit Compact of the same Nature supposed, to which it will be absolutely necessary to recur: sometimes, else it will be impossible that there can be any end of Suffering, or any Redress of Grievances. For if you can make such a wild Supposition as this, That he who is the Author of these Grievances is not accountable to any body else for what he does, there can be no Remedy against suffering even the worst of Evils, which (what ever others may think of it) I take to be a very great Absurdity.

Judge. But it seems you little consider that that Absurdity, however great, is more naturally the Product of your own Principle than of the contrary: For when in case of Suffering wrongfully, you lay hold on that pretended Right which you suppose to be allowed you by your imaginary Contract, and by Virtue thereof, not only call your Superior to an Account, but deprive him of all he has; that does not put an end to Suffering, which is the only End you propose to your selves in order to justify what you do: I say, the Course you take does not reach that End, it does not put an end to Suffering, but only transfers it from one to another; you take a very effectual Course (I grant) to put an end to your own Sufferings and to redress your own Grievances; but withal you little consider, that at the same time you entail them on your Superior; and do what you can to cut him off from all possibility of Redress; for who shall put an end to his Sufferings? That your Sufferings might have ceased without taking any such violent Course to put a stop to them, is much more probable (abstracting from the more immediate Interpositions of Divine Providence) than that his will do so: for it might much more reasonably be expected, that if he had seen

seen you endure your Sufferings patiently, without murmuring or repining, he would have relented and restored you to your Rights and Privileges, than it can be expected that you will restore him to his Right. The very fear of being called to an account by him, is enough to keep you from ever thinking of that, which yet could have been of no Force, nor have had any Influence on him in the other Case: So that if any Principles must therefore be thought absurd, because they suppose or infer a Necessity of Suffering, without allowing any means of Redress. I must need say, yours are the most absurd of any Principles in the World. And whereas you call it a wild Fancy, to suppose any Person to be unaccountable in what he does. I shall only desire you to consider, whether you have not brought the same Stain and Reproach upon your selves; since it may easily be made appear, that by invading and disposing of his Right, you have assumed to your selves to be more Absolute, more Arbitrary and more Unaccountable, than ever he pretended to in his Encroachments upon yours.

Second Evidence. Sir, When I was called to give Evidence in this Matter, I little thought of being engaged in a Dispute, and perhaps was as little prepared for it; and therefore I desire I may be excused from proceeding any farther in it: Only give me leave to put you in Mind of this one Thing, That as it is in the Natural so it is in the Politick Body; most Distempers that are incident to either of them, if they are taken in time, may be cured by such regular Methods and Applications as are common and usual: But when once a Distemper, whether by Neglect, or by hasty and unusual Advances, comes to such a height, that none of those regular and common Methods are capable to arrest it, he that would undertake to cure it, must be allowed to go out of the common Road, and in some Things to act very differently from the generally approved Rules of Art, for a desperate Disease must have a desperate Cure; and such was our Case.

Judge. A Cure may well be said to be desperate, when the Remedy is worse than the Disease; and such was your Cure: For in-

stead of taking away the Pain, which ought to have been done, and by regular Means might have been done, you by Irregular Means, (like bulky, ignorant Quacks, that are always pretending to what they do not understand) only drove it from one Place to another; from the outward and less tender Parts to the very Heart and Vitals, and by that Means rendered it more incurable than otherwise it could possibly have been, had it either been left to take its Course, or fallen into discreeter Hands. But, as you say, your Eulsneis here is not to dispute but to give Evidence; and therefore we will give you no farther Trouble. Let us now call another. I see one there whose Gravity and Authority shews him to be no less than a Senator, and should be very glad to hear what he can say of this Matter. Sir, Will you be so kind as to inform the Court of what you know of this Man's having left his Right to the Money in Dispute?

Third Evidence. Sir, I very much wonder that there should be any Dispute in the Case: For whatever Right he might formerly have to that Money, I can assure you he has none now.

Judge. Very well, How came he then to be divested of it?

Third Evidence. To tell you the Truth He gave away his Right; as soon as he found there was like to be a Dispute about it, he very fairly receded from it, and voluntarily resigned it up.

Judge. This is a new Discovery. Well, But to whom did he resign up his Right?

Third Evidence. To him that could first catch it (I believe) and was able to defend it; for I heard no Person nominated by him, nor do I think he meant it to any one more than another.

Judge. Had he any valuable Consideration for it?

Third Evidence. Not that ever I could hear of, nor do I think he ever had any Thing for it, but only the Pleasure and Satisfaction of being rid of the Burthen of it.

Judge. Is that mentioned in the Narrative of the Resignation, as the chief Motive that induced him to make it?

Third Evidence. Pray, Sir, don't mistake me

me, The Resignation I speak of was not such a formal Draught as you Lawyers use to make, but it was every way equivalent to it, and interpretatively is good as any you can make.

Judge. If it was not done according to the usual Form, you are obliged to give us an Account after what manner it was done; that being a very material Point, for you may perhaps call that a Resignation which indeed is not.

Third Evidence. The manner was thus: The Gentleman that had the Money very fairly went away and left it, retired himself into another Countrey, without giving any body the Trust of it or so much as leaving any Orders how it should be disposed of.

Judge. Well, What became of it afterwards?

Third Evidence. Why, they that thought themselves most nearly concerned to look after it and best knew his Temper, did so interpret Things that this his abrupt Departure from his Right was taken for an entire Resignation of it: And accordingly they took upon them to dispose of the Money, and gave it to him that now has it in Possession.

Judge. Upon what Consideration was that done? Had he done any thing to merit such a Favour at their Hands?

Third Evidence. Yes, at their earnest Desire and upon their repeated Instances to him, he had done them a very important piece of Service.

Judge. So, it seems he had done a Jobb of Journey-work for them, and they to save themselves very fairly paid him with another Man's Money. Well, but was this Resignation (you speak of) free and voluntary? Was there nothing of Force or Constraint in the Matter?

Third Evidence. I do not know what you may call Force, but we all think there was none. Indeed, as Matters then stood, he might think it safest for him to withdraw, but that he was forc'd so to do in a strict and proper Sense we leay.

Judge. Methinks you speak but very faintly of the Matter, and indeed the whole Progress of it seems so very unaccountable that I know not what to make of it: Pray tell us a little more plainly how it went.

Third Evidence. There had indeed been some Misunderstanding between these two Persons, him that formerly had the Money, and him that now has it, before this Resignation was made. He that now has the Money was then in the Neighbourhood with a very strong Party, resolving not to depart, till some Grievances (whereof he justly complained) should be redressed. The other had likewise a very strong Party with him, but finding that some of his Followers (whom he thought he had most reason to trust, as having been most particularly oblig'd to him) did not only keep a secret Correspondence with the other Party, but began at last to go over in great Numbers to them, he upon some Considerations best known to himself, resolv'd to withdraw, which accordingly he did; and that is it which we call a resigning up his Right.

Judge. Nay, It is easy enough to see upon what Considerations it was done, for now you speak plain. But is it possible you can believe there was nothing of Force in all this?

Third Evidence. I believe his being treated after that manner I have mentioned might partly occasion his Departure, and make it more abrupt and precipitant than otherwise he might have designed it: But that he was properly forc'd to it I do not see: For to force a Man to depart is to thrust him out of Doors by Head and Shoulders, which was so far from being offer'd to him, that we did not so much as know of his Departure. There was indeed a sort of Message sent, *To remove from his House*, which some thought was peremptory enough: But what then? I hope there is a vast Difference between requiring a Man to leave his House, and forcing him to leave the Kingdom.

Judge. Yes, In your Notion of Force I grant there is: But of that enough. The next thing I shall ask you is, Whether or not the Person we now speak of has at any time since he withdrew himself confirm'd that Resignation, or ratify'd their Act who took upon them to dispose of his Money after that manner?

Third Evidence. I do not hear he has; but rather complains of it as a very great Injury done him.

Judge.

Judge. Has he ever returned since to demand his Money? Or do you think they who took upon them to dispose of it in his Absence, would allow him so to do if he should design it?

Third Evidence. No, he has never returned since; for I am very sure the Person that makes the Demand here in Court is not he himself, but one that appears for him. And as to the other part of the Question, Whether or not they that took upon them to dispose of the Money would admit of his Return to make such a Demand, I am very confident they would not, because I see they use all the Precautions they can to hinder it.

Judge. Why? Do you think they are afraid of being called to an account?

Third Evidence. No, nor is much afraid neither, but I believe they are so wise as to think it worth their while to save the trouble of it if they can.

Judge. Well, I have but one Question more to ask you, and that is, Whether or not you know any thing of any other Money he had, besides that we have been speaking of, and what became of it?

Third Evidence. Yes, he had another Parcel, which though it did properly belong to the same Man, did yet lie in another remote Place. That indeed he did what he could to have saved, but all would not do; for in spite of all his Endeavours to the contrary, he that had received the rest, with the assistance of those that gave it him, wrestled it out of his Hands.

Judge. I warrant you there was nothing of Force in that neither, if your Notion of it must be allowed.

Third Evidence. Really I can say nothing as to that, for I was not upon the Place, and I do not love to say any thing but what I know to be true.

Judge. Indeed, Sir, I think you have said enough in all Reason, and accordingly you are dismissed, and may return to your Place. You that stand next, Can you give us any satisfactory Account of this Man's losing his Right?

Fourth Evidence. That he has most certainly lost it, I do fully agree with those that have spoke before me; but as to the way and man-

ner how or by what means he lost it, I must confess my Opinion is very far different from theirs: For whereas one asserts, That he voluntarily gave up his Right: Another, That for very weighty Reasons, they that were otherwise his Vassals and had a dependance upon him did utterly deprive him of it; I look upon both these Assertions as very extravagant and unaccountable; The one being so improbable, that I am sure no wise Man will believe it; and the other so unvarractable, that I am equally sure no good Man will justify it.

Judge. Go on then, and tell us what's your Opinion of it.

Fourth Evidence. My Opinion is, That by the abusing of his Right he did actually forfeit it; for though I am very well satisfied, that let a man's Misdemeanours be what they will, they that are under his Authority and Jurisdiction cannot lawfully deprive him of his Right, without there be some Law to warrant them in so doing, which, in the Case we now speak of, neither is nor (I believe) can be produced: Yet that he may be guilty of such Misdemeanours, or of abusing his Right to such ill Purposes, as thereby absolutely to forfeit it; and that in such a Case, they that are most immediately concern'd may take the Forfeiture, and dispose of that Right as they shall think fit, I do not in the least question: I can see nothing in all this but what I think is very reasonable: And I am very positive that by these Means it was that this Man lost his Right.

Judge. I shall not ask you what these Misdemeanours were, nor how clearly they were proved against him, for that were to engage our selves farther than at present is needful. The only Thing I want to know is, whether or not there be any express Law or Statute concerning this Man's Case, wherein it is Provided and Enacted, That upon the committing of such or such Misdemeanours, what Right he had should be absolutely forfeited. If you can produce any such Law, you are very much in the right in all you have said: If not, you must give me leave to tell you, that you are as wide from the Truth, as any of those whose Opinions you have rejected.

Fourth Evidence. The Truth is, I am not so very well vers'd in Law or Statute-Books

as to mention any express Act of that nature, nor do I certainly know whether or not there be any that are incontrovertibly such; but this much I am very well assured of, that whatever may be its Consistency with the express Letter of the Law, it is very consonant and agreeable to Reason and Equity, which are the chief Ground and End of the Law.

Judge. The generality of Men are so very apt to be confident, even when they are in an Error (especially in those things the knowledge whereof depends wholly upon the Exercise of their own Reason and Judgment, which is a thing very easily baffled) that I am afraid the Assurance you boast of will not amount to much, nor can it safely be relied upon in a Matter of so great Importance. Not but that I agree with you, that Equity and Reason are the Ground and End of the Law: But that every Thing is agreeable to the Rules of Equity and Reason, which some are pleased to call so, however numerous or however confident they may be, that (I must confess) I cannot agree to, with out I thought myself capable of reconciling Contradictions; for there is nothing more common than for some Men to call that very just and reasonable, which others at the same time think to be very unjust and unreasonable. Indeed if all Men were so ingenuous as not to call any thing just and reasonable but what they really think so to be, and likewise so sharp-sighted and discerning as not to think any thing so but what really is so; in that case, there would be no need of Law at all, at least this one express Law would suffice for all, namely, That every Man should do what he thinks to be just and reasonable, and that no Man should presume to do otherwise. But alas! that is so far from being our Case, that we often fall in both Branches of it. So follow are our Judgments, and so weak our Discretion, that we many times think that to be very just and reasonable which indeed is not; and not only think so, but are so very confident of it as to be angry with those that think otherwise. But that is not all neither, for it very often happens that our Integrity and Ingenuity are no less defectively to be suspected than our Discretion; it being a common thing for Men when they

think they can serve a Turn by it, to magnify and extol the Equity and Reasonableness of a Thing, when yet (if the Truth were known) they themselves don't believe a Word on't. This great Defect both of Discretion and Sincerity in a great part of Mankind, as it cannot choose but be very obvious to those that are daily conversant among them; so it is that which has not only given Rise to, but likewise infered a Necessity of that multiplicity of Laws which we now have. They whose Business it is to prepare Laws, and they whose Privilege is to stamp them or give Life and Value to them, did very plainly foresee, that though there is such a Thing as Equity and Reason antecedent to any Law, yet Men are so very apt either really or pretenderly to mistake it, that if they should be left wholly to themselves, to act according to their own Apprehensions of it, they would quickly turn all into Contention. This, I say, they very plainly foresaw, and were likewise convinced that there was no other way to prevent it, but by making of Laws; in the applying of which Remedy they have from time to time been so very careful and exact, that now at last there is scarce any thing of Importance but what is made the Subject matter of some Law. Now I hope you will grant, that a Man's forfeiting of his Right is a matter of very great Importance, & accordingly the Law is so very particular and express in deciding it, that there can be no Occasion of recurring to Equity and Reason in any Case of that nature: For if the Case be such that the Law takes no notice of it, or has determined nothing concerning it, Equity and Reason will be of his Side who had the prior Right: That is to say, if the Law does not condemn such a Man to lose his Right, Equity and Reason will allow him to do it; because it is to be presumed that if it were just and reasonable that such a Man in such a case should forfeit his Right, the Law would have so decided it: And therefore since the Law has made no such Decision, I know no better Reason can be given for it, than that it was thought very unjust and unreasonable to do so: For that any such Omission is purely by an Oversight, when Cases of much less Importance are so expressly provided for, is not

to be imagined: But suppose yet farther, that the Law being altogether silent as to this Man's Case, we should have recourse to Equity and Reason for the Decision of it, and that upon Examination it should be found very just and reasonable, that upon the committing of such or such Misdemeanours such a Person should forfeit his Right, even that (which is all you can pretend to) would not serve your Turn, for even in that Case all you could get by it would be this, that there should be such a Law enacted for the future: And what then? Such a Statute could be no Advantage to your Cause, unless you suppose it to have a retrospective Force, or a decisive Power as well before it was as after it is enacted, which were most absurd and unreasonable. But it were very needless to enlarge any farther on this point. Is there be any more here to give Evidence in this matter, I should be glad to hear them.

Fourth Evidence. I believe there are no more of the Defendant's Side but who are of the same Opinion with one or other of those that are already examined.

Judge. Then I think it is time to make an End, which may be done in few words. The Case is briefly thus. The Plaintiff has lost a parcel of Money, which it seems was his whole Estate. 'Tis granted he was once legally possessed of that Money, and had a good Right so it, He insists upon that Right still, and accordingly demands Restitution. The Defendant absolutely refuseth it; alleging, that when the Plaintiff lost his Money he likewise lost all Right and Title to it, which Right was transferred to him. Of this he has brought several Persons to give Evidence, and accordingly these Persons have been examined. What Evidence they have given you have heard, together with some Remarks upon it. I do not mention these Remarks in order to invalidate the Evidence; No, there will be no Occasion for that, it being sufficiently done to our Hands, by the plain Inconsistency and palpable Contradictions of the Persons that have given it: For though they all agree unanimously in this, That the Plaintiff has lost his Right, yet when they come to declare how or by what means he lost it, which

is the chief Thing on which the whole Stress of the Debate lies, they are so far from concurring or agreeing in their Evidence, tho' they have been examined in one another's Presence, that they do most notoriously contradict one another. One tells us, that because he had abused his Right and stretched it beyond it's due Limits, they who thought themselves most immediately concerned to have these Abuses rectified, did absolutely deprive him of his Right, and put it into safer hands. No (saith another, though not the next in Order) that could not be; for whatever were his Misdemeanours, these Persons had no Authority to deprive him of his Right, nor so much as to call him to an Account; but the way he lost it was thus. By these Misdemeanours, which purely by a Mistake are urged as the ground of such a Deprivation, he did really and truly forfeit his Right. The Meaning of it is, That as there could be no Authority for such a Deprivation, so neither was there any Occasion for it; so all that they could pretend to was only to take the Forfeiture and dispose of it. These two Witnesses (however hard it may be to reconcile them, yet) do not differ more from one another, than a third does from both: For he tells us, that the way how this Man came to be divested of his Right was neither by Deprivation nor by Forfeiture; but that he himself did depart from it and yield it up.

This is the Sum of the Evidence that has been given in behalf of the Defendant, which in my Opinion is so far from being any Advantage to his Cause, that it quite ruins it; for whether the Plaintiff has lost his Right or not, I am sure it is so far from being made appear by this Evidence that he has lost it, that we may from thence much more reasonably conclude the contrary: It being most certain that nothing can more effectually weaken the Credit or invalidate the Testimony of any Witnesses, than their contradicting either themselves or one another in their Evidence. And accordingly, you shall very rarely find but that in all Courts of Judicature such Evidence is rejected as insufficient; especially when the matter in debate is of such Importance as to concern either a Man's Life or his Right.

Right. Of this we have a very remarkable Instance in the History or Trial of *Susannah*, which (though it is cut off by some from the Book of *Daniel's* Prophecies, as not being found in the Original, and therefore not to be urged as Canonical Scripture, yet) is of greater Authority than any Instance we can borrow from later Ages. The Case was thus: *Susannah* was accused of a Crime which by the Law was Death: The witnesses against her were two Elders, who among the Jews were Men of very great Credit and Authority. and accordingly upon their Evidence he was condemned to Death: But as she was led out to the place of Execution, *Daniel* being greatly suspicious that they had accused her falsely, or rather by some Divine Inspiration assured of it, was very zealous to save her; and in order to it did so far prevail with the whole Assembly, who (it seems) did very much pity her, that they all returned to the place of Judgement, to enquire more diligently into the Matter. *Daniel* would needs examine the witnesses himself, and the better to make appear how villainously they had conspired against her, he thought fit to examine them apart. They both pretended to have been Eye-witnesses of the Fact whereof they accused her, and did so far agree together that it was done in a Garden: But when they were examined upon the particular Circumstances of it, their malicious Roguery was presently detected, for the one peremptorily affirmed, that it was done under a Mistleck-Tree: And the other as positively declared, that it was under a Holm-Tree: From which plain Inconsistency and Contradiction in the Evidence, the whole Assembly did unanimously conclude, that the whole was nothing else but a malicious Calumny: and accordingly the former Sentence grounded upon it was reversed, and the witnesses themselves condemned to the same Punishment, which they thought to have inflicted on the innocent Lady. From this Instance, and many others of like nature, though of later Date, it sufficiently appears, That in order to disprove or invalidate any Evidence, there needs no better Argument than the contradictory Assertions of those that give it. And if so, it may easily be judged what will be the Result of this Debate; For since the Witnesses that are brought to prove the Loss of this Man's Right, are so far from agreeing

upon the way and manner how he lost it, that they do plainly contradict one another, my Opinion is, that the Defendant in whose Possession the Money now is, must either bring better Proof that the Plaintiff has lost his Right to it, or otherwise he must make Restoration of the Money; for there is no reason that he should have the Money unless he has also a Right to it: And it is impossible he can have any Right to it, except he can first prove that the Plaintiff has lost all his Right and Title to it, which he is so far from having done, by the Witnesses that have been examined, that from the Inconsistency of their Evidence we have a great deal of reason to conclude the contrary. This I declare to be my Opinion, and accordingly dismiss the Court.

A. I am heartily glad this Trial is over, for I declare my Patience was so tired out, that if it had lasted much longer, I was resolved either to interrupt it if I could, or petition to have it adjourned.

B. The Truth is, I do not expect you should like it, for few Men do what makes against them; and yet methinks if you have nothing to except against but only the Length of it, you have no great Reason to complain:

A. I should not much quarrel with the Length of it neither, if I were satisfied it were to the Purpose; but I must confess I do not very well understand, neither to what end you brought it in, nor how it has served that end.

B. If so, it must have been a very long Trial indeed, or your Memory must be very short, else you could not choose but remember, that the Reason why I brought in this Trial was to convince you of the force of my Argument, namely, that since those of your Party cannot agree among themselves how King *Jeus* came to lose his Right, but apparently contradict one another, some alleging one thing with all the certainty that can be, and others is alleging the contrary, that very Inconsistency of your Opinion is a sufficient Proof that indeed he has not lost it. That was the end I proposed to myself in this Trial; and that I have really gained that end by it, you cannot choose but be convinced.

A. I

A. I do remember that at last the Judge did say something of that nature ; for after he had summ'd up the Evidence, he made some Reflections upon the Witnesses differing from one another, alledging, That that very Difference was enough to invalidate their Testimony, and convince them of Falshood : But methought he was very hard put to it when he took his Proof out of the *Apocrypha*.

B. What he mentioned out of the *Apocrypha* was not to prove what he had said, but only to illustrate it ; for indeed it does not stand in need of any Proof, it being the common Practice of all Courts to reject all Evidence that is patched up of Inconsistencies, or when the Persons that give it contradict one another. But suppose it did need a Proof and that the Story he mentioned was design'd for an Argument, I do not see any Absurdity in it at all, except you will say that no Argument is good but what is contained in Scripture : And even in that Case it is no very hard matter to have found one every way as much to his Purpose as that he mentioned. I hope *Mark 14th* is not *Apocryphal*. Do but peruse that Chapter from *verse 55*, and tell me your Opinion of it. There you will find, that in the Trial of our blessed Saviour, though the Chief Priests and all the Council did mightily bestir themselves to find Witness against him to put him to Death, yet they could make nothing of it ; not but that there were a great many that did witness against him, but the Mischief of it was, they were all rejected as false Witnesses, their Testimony could not be relied upon ; and the Reason of it is there expressed, namely, because their Witnesses agreed not together. It seems they contradicted one another in their Evidence, so that no Sentence of Condemnation could be ground'd upon it ; until at last they pretend'd that he spoke Blasphemy in their own hearing, and upon that he was condemn'd. There you see, that the Judge in rejecting the Evidence of these Witnesses in the Trial, because they were so far from agreeing in their Testimony, that they contradicted one another, did no more than what he had a Precedent for even in Scripture itself.

A. Whatever Reason the Judge might have to reject their Evidence, I shall not now dispute. I confess as you have ordered the matter, he might very well impute it to their disagreeing among themselves, for you have made them contradict one another sufficiently : But being it was for your purpose that they should do so, and that you your self had the whole Management of them, it was to make them speak what you pleas'd, I do not at all wonder at that, but rather that you did not make them contradict themselves.

B. By this last Reply of yours I suspect you are not altogether so candid as I expected, for you slyly insinuate that the Witnesses contradicting of one another is wholly owing to my management of the Matter, which I must needs tell you favours something of Disingenuity ; for you cannot choose but remember that I was speaking of the great Difference and Inconsistency of Opinions among those of your Party, and how manifestly they contradict one another when they take upon them to give the World an account how King *James* lost his Right. These their contradictory Accounts of it are the chief Thing I have hitherto urged as an Argument that indeed he has not lost it. You may likewise remember that my bringing in of that Trial was to confirm and enforce that Argument : In order to which as it was absolutely necessary so to state the Case of the Plaintiff, that as near as could be it might be answerable to that of *King James*, so it was no less necessary that there should be the same Inconsistency in their Evidence who pretend to give an account how the one lost all Right and Title to his Money, as there is among those who pretend to give an account how the other lost all Right and Title to his Three Kingdoms. That I have managed the Trial so, I am not at all to blame ; for without that it would have been nothing to the purpose, since to argue from one Case to another, when there is no Exactness of Parity between them, must needs be very inconclusive. Indeed, had I made the Contradictions in the supposed Case of the one greater than what are in the real Case of the other, you might have had some reason to complain : But that I have not done so, but rather copied the one

from the other as near as the Case would bear, will easily appear by comparing both together, which (if you think it worth the while) may be done in few Words.

A. Go on then if you please, for though I believe there is no great occasion for it, yet because it may contribute somewhat towards the clearing of what is now in dispute, which is the only thing I propose to my self, I conceive it will not be amiss.

B. You may remember then that the First Evidence I brought in was one *Twyford*, who knew so little of the Matter, and spoke so little to the purpose, that the Judge in summing up the Evidence took no notice of him. He was indeed very positive that the Plaintiff had lost his Right, but how or by what means (which was the chief Thing in Dispute) he he neither knew nor cared.

A. I do remember it very well: But what you meant by bringing in such a Man for an Evidence, I cannot imagine; for you might as well have brought in a Post if it could have spoke.

B. Very right: But wisthal it seems you little consider, that the greatest part of those that oppose King *James's* Right, have no more Sense than that Post had. Many Thousands there are in these Three Nations, who are very confident and positive that he has lost his Right, and accordingly speak more opprobriously and reproachfully of him, than either the Laws of the Land or good Manners will allow them to do of their Fellow-Subject; and yet are so far from knowing how or by what means he lost it, that they never to much as considered it, or thought themselves concerned to enquire into it. Of this Number I chiefly reckon the *Rabble*, who (however depicable in the Opinion of all thinking Men, yet) are such a necessary Support of your New Government, and make to great a Figure in it, that I thought myself oblig'd to allow them one to represent them in that supposed Trial, which accordingly I did in bringing in that First Evidence. The next that appears speaks somewhat more to the purpose, for he not only asserts positively that the Plaintiff had lost his Right, but pretends to give an account how he lost it; namely,

That having abused his Power to very ill Purposes, and stretched its Right beyond its due Limits, even so far as to devour and swallow up that of other Men; they who thought themselves most nearly concerned to redress these Grievances, though otherwise subject to his Authority, being fully convinced that no other Remedy or Expedient would be effectual, did unanimously agree together to depose him, and deprive him of his Right, which accordingly they did and lodged it in better Hands. By this Witness is represented the *Common-wealth-Party*, which however much it was abominated, or however justly decried by all good Men in the last Age, as having murdered the best of Kings, and set up (I had almost said) the worst of Usurpers, and by that means involved us in all the Calamities of a Bloody Civil War, yet now is become very considerable in these three Nations; in so much that the King's being accountable to the People and lyable to be deposed by them if he abuses his Trust, and such other *Anti-Monarchical* and *Republican Principles*, which formerly were only whispered about in Corner, as being ashamed to see the Light, are now publicly owned and even factiously contended for. Good God! What a strange, what a reproachful Infatuation is it that both our Church and State should so far degenerate, as not only to espouse the Interest, but indeed lick up the Vomit of those who have hitherto been accounted the most irreconcilable Enemies of both! Wherever Streets your *Convention* laid upon King *James's* Abdication, these Men I now speak of do but laugh at it, and tell us plainly by their Advocate *Julian Johnson*, that however the *Convention* might mince the Matter, and amuse the Nation with a fine plausible Story of King *James's* Abdicating the Government, yet that in Truth there was no such matter, but that he was really deposed and abrogated by the Estates of the Realm, and that according to Law too: though, as ill Luck would have it, when he comes to quote that Law, he confesses it is not now to be found. But that is not yet our Business. It is sufficient at present to tell you, that there is such a Party among you, and that it was to perfonate those of that Party that I brought in that

that witness in the Trial, who contended that the Plaintiff having abused his Right was justly deposed and legally deprived of it. The next Evidence tells, That the Plaintiff himself receded from his Right, and very fairly yielded it up; which in *King James's* Case, you very well know was the Opinion of that glorious Assembly, the Convention. They told us, That his retiring or withdrawing himself from among us, was a plain Abdicating the Government and leaving the Throne vacant; by which they must either mean a voluntary Resignation of his Right, or it will not leave their Turn. But though Abdicacion is indeed the same Thing with Resignation, yet they did not think fit to express it so; very wisely foreseeing, that a the word Resignation is more easily understood than Abdicacion, so it would more hardly be believed; for no man is so easily imposed upon in what he does understand, as in what he does not. The Fourth and last Evidence contradicts both the former: For though he also affirms, that the Plaintiff has certainly lost his Rights, yet he neither allows that he himself resigned it up, nor that any Persons could legally deprive him of it, and there ore is very positive that the way he lost it was by Forfeiture; that by his Misdemeanours he did absolutely forfeit it: By this Evidence is repented, not only a very considerable Party here in *England*, but likewise the whole Convention of Estates in *Scotland*, who charge *K. J's* losing all his Right and Title to that Kingdom upon the Faults and Male-Administrations of his Government, by which they declare he did absolutely forfeit it. Which Decision (however contrary to the express Laws as well of that as of this Kingdom) is yet somewhat more plausible than either of the former; being neither so ridiculously disingenuous, as to interpret a King's forced Retreat for the Safety of his Life to be a voluntary Resignation of his Right: nor so impudently saucy, as to subject him to the Peoples Authority, and put it in the Power of his own Subjects to dethrone him. But of these Things enough, till we come to speak of them more directly. All that I design at present, is only to shew you that the Inconsistency of the Evidence in the former Trial is not at all

imputable to my managing of the Witnesses: whereof I hope you are now convinced, since by the Comparison I have made it easily appears that the Witnesses in the former Trial do not more disagree in their Testimony, in declaring how the Plaintiff lost his Right, than those of your Party do in asserting the loss of *King James's* Right: That the Inconsistencies and Contradictions are the very same in both Cases; and consequently what was decided in the one Case ought by Parity of Reason to take place in the other.

A. Whatever pains you have been at to make these two Cases antiverable to one another, I am not yet satisfied but that there is still great a Disparity between them, even in some respects where the Parallels ought to hold, that to argue from the one to the other must needs be very inconclusive. As for Example, in your imaginary Trial you produce but one single Witness of each sort, whose Testimony can signify nothing, whereas in the other Case there are several Thousands of each sort. This I take to be a very partial and unequal Representation of what is in dispute, of purpose to give the Judge some colourable Pretence to overthrow and reject the whole Evidence, whereas if two or three or more of those that were to be examined had agreed in their Testimony, as great Numbers do among us, it would have quite altered the Case, for then the Judge very safely might have proceeded to give Sentence according to their Evidence without examining the Matter any farther.

B. I very well understand what you would be at, but am confident you are in a Mistake, for when Witnesses disagree in their Evidence in any material Point, especially if their Depositions be so irreconcilable that they disprove one another, it signifies nothing whether their Disagreement be only between single Persons or considerable Numbers; for ten against ten is the same thing in Proportion as one against one. Let us suppose one Man to be accused of murdering another and several Witnesses brought to prove it: It may so happen that the first 2 or 3 that are examined do exactly agree in their Testimony, unanimously declaring that the Person accused run his Sword through the Body of the Deceased,

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whereof he instantly died. I grant these 2 or 3 Witnesses thus concurring in their Evidence are sufficient in Law to affix the Guilt upon him, if there be no other Evidence to interfere with theirs; but that either the Judge should immediately upon that charge the Jury with it, or they give in their Verdict without examining the matter any further, would at best be very rash, and perhaps a very unjust thing: For it may so fall out that the next two or three that are examined, may as positively declare, That the way he murdered him was by shooting him through the Head with a Pistol. Some perhaps will obstinately affirm, That he knock'd him on the Head with a Hatchet. And others as stiffly maintain, that he cut his Throat with a Byoner. In such a Case, though all the Witnesses do unanimously agree in this, That the Person accused did really murder the other; yet since they do so irreconcilably differ in the way and manner of it, that it is impossible all their Depositions, or so much as any two of them can be true, I appeal to your self, whether that Inconsistency of the Evidence does not utterly overthrow it, and render it so uncertain that nothing can be made of it. And yet you see there are no less than 2 or 3 Witnesses attesting every Particular. Nay, If instead of Three you suppose them to be Threescore or three Hundred, it will be the same Case still; so long as there is a proportionable or even a considerable Number whose Attestation is utterly inconsistent with theirs.

A. I cannot deny but that when Witnesses disagree in their Testimony, especially if they contradict one another, it very much lessens their Credit if not quite invalidates their Evidence: And accordingly I do very freely acknowledge, that the Difference among those of our Party, in giving an Account how or by what means King *James* came to lose his Right, is no small Prejudice to our Cause; because many are apt to conclude as you do, that while some say one Thing and some another, there is nothing of certainty in the whole: On which Account it were heartily to be wished, that all of us were of one Opinion in this Matter, at least that these different Opinions were not so publicly authorised as

we see they are. But though I am thus free in granting the Disadvantage we lye under, or the Prejudice our Cause sustains by our so much differing in our Opinions; yet I cannot agree to the Inference you deduce from it, namely, that because the several Accounts we give of this Matter do very much differ from one another, therefore they are all to be rejected: There, I think, you run too fast. I grant they cannot all be true, nor perhaps any two of them; but to conclude *peremptorily*, that because they are different therefore they are every one of them false, is to strain the Premises a little too hard. For notwithstanding all you have yet said, one of them may very well be true; though at the same time, I confess it is a very hard matter to know which is it.

B. In this Reply you confound Things that ought to be distinguished; for you take rejecting a Thing as false to be all one and the same as if it were certainly known to be such, when yet in many Cases there is a great Difference between them; for the one may be when there is no necessity of the other: As in the former Example, it is not impossible but that one of the Particulars attested by the Witnesses might have been true, as the one Man's cutting the other Man's Throat. Let us suppose that it was really so: In that Case I grant that no Contradiction of other Witnesses can prove their Evidence to be false; but withal you must likewise grant me that in the former Example it is so expressly contradicted by several other Witnesses, who for ought that appears are of no less Credit, that let it be never so true, it lies under no less Suspicion of being false than any of the other Depositions; and consequently is equally to be rejected as such; for however true a Thing may be, it signifies nothing in Law without it be made appear so to be, and most certain it is that no Truth can be said to be made appear when the Evidence for it is no more than is against it, or when it has no better Proofs to support it than what are equally urged for a Falshood. Now to apply this to what is in dispute between you and me; I do not say that because you differ very much among your Selves in giving an account how King *James* lost his Right,

Right, therefore every one of these Accounts must needs be utterly false, no, all I infer from the Inconsistency of these Accounts, is that there can be no certainty that any of them is true, that all of them lie under a strong Suspicion of being false, and that no Man can have any tolerable Satisfaction but that they really are so. In a Word, that whatever Truth there may be in any of them it is impossible to find where it is, and consequently unreasonable to lay any Stress upon it. This is all I contend for as the necessary Consequent of what has been hitherto urged, and this alone is enough for my purpose; for from hence it will appear to all considering Men, that your Party in declaring King *James's* Right to be lost, and his Throne vacant, and setting up another in his Place, have acted the most unaccountably and unjustly that can be imagin'd: For what greater Injustice can there be, than first to declare his Throne vacant, and then to dispute among your Selves afterwards how it came to be so? First to transfer his Right to another, and then set your Selves at work to find out Pretences to justify it? This is like condemning a Man first and then trying him afterward, which is such a piece of Iniquity as (I think) is seldom heard of but in Jest.

A. This Argument of yours you have urged not only much longer but indeed much farther than I at first expected, and therefore to avoid being tedious I shall make no more Replies to it. The Substance of it is, that though all they that are for the support of the present Government do unanimously affirm that King *James* has lost his Right, yet when they are put to it to declare how or by what means he lost it, the Accounts they give of it are so very different that there is no possibility of reconciling them: From which difference of Opinions you infer that no Man can have any tolerable Satisfaction of the Truth of what is pretended, and consequently that they who upon such loose, inconsistent and contradictory Evidence did take upon them to declare King *James's* Throne vacant and transfer his Right to another, have done him a most unpardonable Injury. This I take to be the Substance of your Argument, concerning

which I shall say no more at present, but endeavour to retain it in my Memory that when I have leisure I may the more seriously consider it. In the mean time, if you have any more Arguments to the same Purpose I shall be glad to hear them.

B. You may remember that when you first put it upon me to prove King *James's* Right and Title to the Crown to be still good, I told you what was properly incumbent on me was not directly to prove but only to defend it, for which all that is requisite is only to answer those Arguments by which those of your Party endeavour to overthrow it; so that the proving or argumentative part ought in reason to have been yours and not mine. However upon your declining of it, I did (though with some Reluctancy) undertake it, but with this *Proviso* that you should expect no other Arguments from me than what the nature of the Thing in dispute would bear, which I must tell you can be but very few: For supposing the Thing to be true, I know no other way to prove it but only these two. First by shewing that they who assert the contrary are so strangely divided in their Opinions that no Man can tell what they would be at, which I presume is already done. The other way, and indeed the only remaining way by which it can be proved that King *James's* Right to the Crown is yet still good (even on Supposition that it really is so) is by dismounting those Batteries that you have raised against it: That is by examining and disproving the several Pretences upon which those of your Party give out that he has lost his Right; Which if it can be done will go nigh to put an end to the whole Dispute.

A. I grant it would: and for that very Reason I should be very glad to hear what you can make of it.

B. If you expect that I should take upon me to examine and disprove every one of those Pretences, I must tell you, the Task will be both very tedious, and very needless. Tedious, because of their Number and Variety: And needless, because however many different Opinions of that Matter there may be among you, you your self can be but of one of them: So that if among all those different

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Opinions how *K. James* came to lose his Right, you will be but so kind as to let me know which it is that you adhere to, you will save me a great deal of needless Pains, because the disproving of that alone will (or at least ought) as effectually to convince you of your Error, as if I should disprove them all.

A. Though the Favour you ask is no more than what is very reasonable, yet I am very loath to grant it, because what depends upon it is of too great Importance to be ventured all in one Bottom. I love to have more Strings to my Bow than one, in hopes that when one is broke another may hold: So that whatever is my Opinion of the Matter, or however shrewdly the force of your Arguments may shake it, I shall scarce yield so long as any of the rest stands firm. And therefore I must tell you, that in the prosecution of your Argument, you must either disprove all these Opinions, or you had as good disprove none of them.

B. That I know is a piece of cunning that all of you are very expert in. I was but very lately that you owned your being of so many different Opinions in this matter to be a great Prejudice to your Cause; and indeed you had Reason: For it is not at all likely that the *Edi- bel* you are building will ever come to any Perfection, as long as they who thrust themselves into the Work speak such different Languages. But however serviceable it might be to your Cause, if you were all of one Opinion, so ambidextrous is your Policy, that you make Advantage even of your Differences: For these different Opinions you make use of as so many places of Retreat, that when you are beat out of one you may shelter your selves in another. The Truth is, Men's second thoughts are generally more deliberate and better digested than their first, and so it is with you. When you first declared your selves against King *James's* Right, you had no other Pretence but that of Abdication. That was the only Refuge you had then to retreat to, and in that you thought your selves safe enough for some time, which (considering the Hurry you were then in, and how short a time you took to consider what you were doing) I do not at all wonder at; for what is done in-

considerately is generally done but by halves. But when once the Hurry was over, and you began to bethink your selves what you had done, you very plainly foresaw, upon second thoughts, that that Pretence of Abdication could never hold out long: That in case you should be vigorously attack'd (which you had all the Reason in the world to expect) that alone would be no safe Retreat for you, and therefore you thought fit to raise new Batteries, and fortify your selves with Out-works, which now you have done to some Purpose. For these Out-works (though I must needs tell you they are neither regular nor uniform, but that, I believe, is because the Ground would not allow it, yet) are so many in number, and so well man'd, that now you think your selves safe enough, being resolved to dispute every foot of Ground, and when you are beat out of one Entrenchment or drove from one Post, to make your Retreat to another.

A. You talk so much like a Souldier, that I begin to be afraid of you; for if you go on at this rate, I expect no other but that all our different Opinions should be turned into *Bastions, Ravelins, Half-Moons, Horn-works and Redoubts*, and that in pursuit of the Simile, all your Arguments should be turned into *Mints, Mortar-pieces, Bombs, Carcasses and Granadoes*, and so we may be blown up before we are aware. But I do not like that way of going. I had rather by half you would keep to the old way of calling Things by their proper Names, and then we shall better understand one another.

F. I did not think you had been so squeamish. That you who have given so much Encouragement to Souldiers, cut out so much Work for them, and enacted such severe Laws against Mutiny and Desertion as were utterly rejected in former Reigns, should be afraid of their very Terms of Art is somewhat strange. But you need not give your self any trouble about that; for I can tell you I love the Souldiers Trade as little as you can do, and perhaps do as little understand it: All that I designed by these few Terms of Art I made use of, was only to shew that you have imitated their Policy: That as they seldom

trust to their Walls or Ramparts, but fortify themselves with several Out-works for their further Security. So you, not thinking your selves sufficiently secured by King *James's* pretended Abdication, have since invented several other Arts and Contrivances, both to overthrow his Right and support that of *K. W.* And consequently, as it is impossible that any Town can be reduced, till they that do besiege it do first make themselves Masters of the Out-works, so it is in vain to think, that any of you will yield, or own your selves to be in an Error, as long as there is any one of your Pretences left undisproved, be the rest baffled never so much.

A. The Truth is, the only way to make sure work of it is to disprove them all; but I believe you will find it a very difficult Task. However, if you think fit to give your self the trouble of attempting it, I shall not only be very well satisfied to hear you, but shall endeavour to make the best Defence I can. And that I may be the better prepared for it, I should be very glad to know where you intend to begin your Attack.

B. In the weakest Place, you may be sure, or where I expect to meet with the least Resistance; and that is in the Pretence of Conquest, which, as it is the Title that of all others would best please your King, as most suitable to his Ambitious Designs, and that insatiable Thirst after absolute and arbitrary Power, which on all Occasions has so visibly appeared in his whole Conduct both at Home and abroad: So it has by Degrees (according as the Times would bear) been very plainly hinted, very plausibly stated, and at last very boldly asserted and vigorously supported by several very industrious (some of them very eminent) Hands. This was a bold Stroke indeed, Such a Stretch of Zeal for your new Master, that I am sure no honest Man will ever consent to, since by it you declare, that rather than there should be a flaw in your new King's Title, you will sacrifice to it not only that of King *James*, but likewise the Liberties and Properties of all your Fellow-Subjects, and found it upon the Ruines of both. But I shall not need attack that Post any farther, because I find that however obstinately it

was defended some time ago, it is now abandoned. However plausible that Pretence of Conquest might seem to some, or however pernicious it might prove, if it should succeed there is no necessity that I should give my self the trouble of refuting it, because it has had the Honour of being already refuted by a more publick hand, to the no small Mortification of those who were the Authors and Abettors of it: For the Representatives of the Nation, wisely considering what bold Advances were made towards the establishing of it, and how destructive it would prove, especially in such hands, if ever it should happen to be established, thought fit to put a Stop to it in time and crush it in the Bud, which accordingly they did, by condemning those scandalous Pamphlets that were written in behalf of it (however much influenced or countenanced by Authority, to be publicly burnt. Thus the Title of your mighty *Hero*, founded on the specious Pretence of Conquest (which by many among your selves is thought the best, if not the only good Title he has) falls by the hands of the common Hangman: Under which Reproach I leave it, and proceed to another that equally deserves the same Fate, and may come in time to meet with it; I mean that Pretence of founding *K. W's* Title upon the Abrogation or Deposition of King *James*: The Substance whereof is, That King *James* having endeavoured to subvert the Fundamental Laws, made several Encroachments upon the Liberties and Properties of his Subjects, and being guilty of many gross Male-Administrations in point of Government, the Representatives of the Nation, who were most immediately concerned to stand up for the Good and Welfare of it, did unanimously concur to depose and abrogate him from the Regal Throne, and promoted the P. of O. to it.

A. I hope you will not take upon you to justify all that King *James* did during the time of his Reign here.

B. No, nor what *K. W.* has done neither, But you must give me leave to say, that there is a great deal of difference between not justifying what one has done, and giving him a kick in the Breech to send him packing.

A. I grant there is; and yet even he that is so served has no Reason to complain if he has justly deserved it.

B. Though that is most certainly true in some cases, it is not so in all: For however justly a Punishment may be deserved, if they that did inflict it had no Right nor Authority so to do, he on whom it was inflicted may justly complain of an Injury done him, and sue for Redress: Which how far it is applicable to King *James's* Case will best appear by a strict Examination of the former Pretence. In order to which, I shall begin with the pretended Grievances and Male Administrations during King *James's* Reign, which by those of your Party are enumerated with all the Care, heightened with all the Art, and magnified with all the Malice imaginable. Witness that Infamous Libel published against him by an Irish Divine, with a Design (it seems) not only to justify his Subjects rebelling against him, but to render him odious to all Mankind. But the foul Aspersions and base Calumnies of that Book, the gross Partiality and Disingenuity of the Author throughout the whole of it, even in relating Matters of Fact, has of late been sufficiently detected.

A. I suppose you mean Dr. *King's* Book, and the Answer to it, lately published by an unknown Hand.

B. I do so, and if you have read them both I should be glad to hear your opinion of them.

A. I must confess since I read that Answer, I have not had the same Opinion of the Dr.'s Book as formerly, nor do I give so much Credit to what is therein related; yet I am in hopes the Dr. will vindicate himself how soon the Answer comes into his hands, which I believe will be very speedily, there being care taken to transmit a Copy of it to him, till which time I resolve to suspend my Judgment both of him and his Book.

B. You may do so to me, for I do resolve not to foul my Fingers any longer with it neither at present; but to make some Reply to that heavy Charge of Grievances and Male-Administrations against *K. James* here in *England*; which Charge is made up of such dissimilar parts, and contains in it such a mixture of Truth and Falshood, of real Grievances

and malicious Calumnies, that it were equally indiscreet wholly to deny it or wholly to admit of it. That there were some false Steps made in *K. James's* Reign, that there were several things done very unaccountably, even in point of Government, I am so far from denying, that perhaps no man in my Station was either more sensible of it or more sorry for it than my self. But what then? Must every King that treads awry or makes a false step immediately have his Heels tript up? If so, your new King had need look better to his footing than hitherto he has done; since it may easily be made appear, that he has not only trod in the same Steps with his Predecessor, but has by many Paces out-gone him: But of that afterwards. What I would have you to consider at present is, That Kings are but Men, and therefore not to be supposed to be exempted from Error: For though I grant, that God has placed them in a much higher Station than other Men, and that they derive their Authority immediately from him; yet as long as they are necessitated to act or to exercise their Authority, not only by the Counsel and Advice, but likewise by the Ministry of other Men, it cannot reasonably be expected that their Errours will be committed, more or less according to the Integrity of those Persons by whose Advice or Ministry they act. This is so very true, that I may safely challenge you to give me an Instance of any one King now reigning, or perhaps that reigned for some Ages past, whose Subjects do not, or did not, complain of Grievances and Male-Administrations in their Government.

A. If so, we had better have no Kings at all, but put our selves under some other Form of Government: For that we should be so obstinately tenacious of such a Form of Government, as you your self acknowledge very rarely has been, and very hardly can be exempted from Error, is most unreasonable.

B. This Objection I plainly foresee and thought to have anticipated. If you had not prevented me, by telling you, that however plausible that Proposition of yours may seem, nothing would be gained by it; For though it were in our power to change the Government

ment to what Form we please (as most certainly it is not, at least not without the Consent of the Governour) whatever Exchange we made, we should find our selves losers by the Bargain, since it may easily be made appear, that all other Forms of Government, as they are rather the result of Necessity than of Choice, so they are so far from being better secured from Errours and Mistakes than that of *Monarchy*, that they are much more subject to them : So that your Objection against what I formerly said concerning the Errours and Mistakes incident to Kingly Government, is indeed the very same as if you should thus reply to what I but now said, That since all Sorts of Governments, have their Failings and Defects, the best way is to be under none at all ; than which nothing can be more unreasonable, it being obvious to all wise and considering Men, that the worst Form of Government in the World, even Tyranny it self, is far more eligible and less hurtful than to be under none at all. These things are so very plain, that without insisting any further upon them, I shall return to what I was saying when your Objection interrupted me, namely, that it is such a casual Thing for Kings, as well as other Governours, to give their Subjects occasion to complain of Miscarriages and Male-Administrations in their Government, that perhaps it will be very hard to instance any one King that has not done it : So that if we may be allowed to take that Course mentioned in the former Pretence, we may even bid adieu to all Government : For no man can choose but see, that if in all such Cases Subjects may warrantably dethrone their Kings and set up others in their stead, there can be no such thing as Government, but the whole World must be filled with Confusion. I grant, that in remedying a great Inconveniency some Confusion may be born with, if it be such as we may reasonably expect will soon be over, and nothing but fair Sun-shine to follow. But alas ! the Confusions introduced by such a Course as we now speak of are of a far different Nature ; being such as we can never have any Prospect of putting an end to, any otherwise than by letting fall that Course : For it seldom fails but that they who change either their Govern-

ment or Governour, on Pretence of having their Grievances redressed, find themselves in a worse state at last than they were in at first, whereof it were easy to give an Instance without going far from home. But though I am thus free in granting that all Kings may be guilty, nay, that most Kings really are guilty of such Errours and Mistakes in Government as their Subjects think they have just reason to complain of as great Grievances, and particularly that King *James* was so in several respects, yet I am very far from thinking, that all Complaints of that nature, either against him or any of the rest are well grounded. I very well know, that it is usual in all such Cases, not only to aggravate what is indeed true, but also to alledge what is really false. This in the Case of King *James* is very plainly to be seen : For you cannot choose but know, that the most clamorous Objections against him, and what most alienated the Hearts and Affections of his Subjects from him were especially these Two : First, That notwithstanding the Birth of the Prince of Wales was nothing else but a meer Imposture, yet King *James* endeavoured to obtrude him on these Kingdoms as his Right Heir, to the disinheriting of his own lawful Children. Secondly, That he had privately entered into a Treaty with the French King to root out the Protestant and set up the Roman-Catholic Religion in these three Kingdoms, which was to be done by the Help and Assistance of the French King. These, I must confess, had been great Grievances indeed, enough to have shaken a more steady Loyalty than that of his Subjects, had they been as plainly proved as they were impudently alledged : But that no such Proof has been made, nor so much as offered to be made, you your self cannot but know. Never was any thing of that nature asserted with more Confidence or more industriously obtruded on Mens Belief, than these two Things I have mentioned, for whoever did but doubt of the Truth of them were told with all the Assurance imaginable, that if once the P. of O. were but landed and the Representatives of the Nation had Freedom and Leisure to enquire into the Matter, the proof of these Things would be made as clear as the Sun at Noon-day.

And

And yet you see that all these fine Pretences are now come to nothing. The Evidence you so much boasted of then is now wholly on the other Side, it having sufficiently appear'd since that King *James* was so far from treating privately with the *French King* for the assistance of his Forces to destroy our Religion, that he could not be persuaded to accept of these Forces to resist the Unnatural Invasion of his Son-in-Law, but chose rather to confide in the Courage and Loyalty of his own Subjects. And as for the Prince of *Wales*, besides the Depositions of several Persons of unquestionable Honour, attesting the Truth and Reality of his being born of the Queen's Body, (which was the only thing pretended to be doubted of) it has been abundantly confirmed since by the Birth of a Princess by the same Queen. But it were needless to insist any longer on these Things; your so shameful sneaking from the proof of them after you had undertaken it with so much Assurance, and made us expect it with so much Impatience, is sufficient to disprove them without the help of any other Arguments: For though there could be no greater Advantage to your Party, nor no greater Confusion to Ours than to have these Things plainly proved, yet you very well know that after the Prince was landed, the Estates conven'd and the great Affairs of the Nation adjust'd, they were so far from offering at the proof of these Things, as was generally expected, that they could not be persuaded so much as to enter upon the Examination of them or make any enquiry into them, though they were very much importuned to it by both Parties.

A. I must confess their Conduct in that did seem a little strange to me as well as to a great many others, and so it does still. However I put the best Sense upon it I can, being willing to believe that their forbearing to make a strict Enquiry into these Things was purely out of respect to King *James*, since the proof of them must needs have rendered him odious and hateful to all Mankind.

B. If that be really your Opinion I believe you are very singular in it. For my part, I am so far from having any such Thoughts of it, that I verily believe if they had thought they

could have made any thing of it, that Consideration, that such a proof would extremely reflect upon King *James's* Credit and Reputation would have been so far from hindering them to attempt it, that it would rather have spur'd them on to it with the greater vehemence. This Opinion I am sure is much more rational than yours, because much more suitable to their Deportment towards him in other things, which ever since the Prince's landing has been so far from any the least shew either of respect to his Person or regard to his Honour, that perhaps no King (his Royal Father only excepted) was ever treated with more Contempt, or had greater Affronts and Indignities put upon him. It cannot then be imagined, that their forbearing to prove, or so much as to examine these Things, was out of any Respect to him, nor is it credible that any other Account can be given of it, but only this: They were afraid that a diligent Search and Enquiry into these Things would make a very different Discovery from what they had all along made the World expect, or that instead of making them more evident than formerly, it would render them much more suspected: Than which there needs no plainer Demonstration, not only that these Things are false, but also that those very Persons who persuaded others to believe them, did not believe them themselves. Thus it appears that the most material Objections against *K. James*, were nothing else but meer Calumnies and malicious Aspersions impudently forged by some ill-designing Men, and as industriously propagated by others, of purpose to debauch his Subjects from their Loyalty, and prepare them for that Desertion from their Duty to him, at which the World may well stand amazed. As for other Grievances and Male-Administrations, which are very freely confessed to have been such, as well then as now, such as setting up the *High-Commission*, turning out of *Magdalen-Colledge*, imprisoning of the *Bishops*, dispensing with the *Penal Laws*, putting unqualified Persons in Places of Trust, and like others of the like nature; as they are of much less Importance than the former which were never yet attempted to be proved, so they cannot directly and immediately be charged

ged upon him, but with a great deal of Dis-
 genuity ; it having plainly enough appeared
 since, that he was push'd on to these Things,
 not by his own Inclinations, but by his Mini-
 sters and Favourites, of whom he had unfor-
 tunately made a very bad Choice. It was the
 indiscreet and ill-conjur'd Zeal of some of
 those Ministers and Favourites, and the cun-
 ning Artifice of others, that push'd him for-
 ward to those Violent and Arbitrary Proceed-
 ings, of purpose to undermine and ruin him,
 as some of themselves have boasted since, and
 have been liberally rewarded for it. This be-
 ing the plain Truth of the matter, it will easily
 appear, that this Pretence of founding
 K. *W's* Right to the Crown upon K. *James's*
 Deposition for Male-Administration, is the
 most unreasonable thing that can be : For you
 know, it is a Maxim in our Law, *That the*
King can do no wrong ; the Meaning whereof is
 not, that nothing can be done amiss that he
 does in point of Government, but that what-
 ever there is amiss in it, is not to be imputed to
 him, but to those by whose Advice and Mini-
 stry he acts ; and consequently, that not he,
 but they are punishable for them. But in this
 Pretext concerning K. *James* the Case is
 quite inverted ; for here the King himself is
 charged with all the Faults of Government,
 and not only charged with them but punished
 for them ; whereas they that were his Coun-
 sellors and Ministers, who were much more to
 blame than he, inasmuch as they not only per-
 fectly him, that his Royal Prerogative would
 very warrantably and safely bear him out in
 all the Arbitrary Courses he took, but also
 push'd him forward to them even contrary to
 his Inclinations, maliciously suggesting, that
 the hard Usage that some of his Subjects met
 with (to which in some cases he consented
 with great Reluctancy) was no more than what
 was necessary for the asserting and vindicating
 of his Authority, and the chastising of their
 Stubbornness and Undutifulness : These Men
 (I say) at least some of them, were not only
 suffered to escape Punishment, but were high-
 ly prefer'd and rewarded even by your good
 K. *W.* than which I challenge any Man to give
 an Instance either of greater Iniquity or deeper
 Hypocrisy. To punish that openly in one

as a grievous Crime, which is secretly appro-
 ved of and rewarded in another as very ac-
 ceptable Service. To cry out against Grie-
 vances, to pretend a most tender Compassion
 for those that suffer them, and a mighty Zeal
 for having of them redress, when yet it ap-
 pears that those very Grievances are chiefly
 owing to the pernicious Councils and mischie-
 vous Contrivances of such Persons as for that
 very purpose have been corrupted by such a
 Pretender, is such a Master-piece of Hypocrisy
 and Dissimulation as I think none but a *Dutch-
 Man* is capable of. But why should I insist so
 long on these Things ? Let it be supposed that
 the Grievances we lay under during K. *James's*
 Reign were really as great as they who mali-
 ciously aggravate them would make the World
 believe, and that they were not in any mea-
 sure to be imputed to the ill Conduct of his
 Counsellors and Ministers, but were the ef-
 fects of his own Natural Temper and Inclina-
 tion, even that cannot justify the Measures
 that have been taken to redress these Grievan-
 ces. This brings us to the Consideration of
 the Second part of the former Pretence ;
 namely, that because of these Grievances and
 Mal-Administrations, the Estates of the
 Realm did unanimously dethrone him. In
 this are two Things to be examined, *First*,
Matter of Fact : *Secondly*, *Matter of Right*.
 As for the Matter of Fact, I must tell you, that
 however confidently Mr. *Johnson* and they
 that adhere to him may affirm it, there's no-
 thing of Truth in it. The Convention did
 not go that way to work : So far were they
 from assuming any Power or Authority over
 the King's Person, so as to call him to an Ac-
 count, and judicially to depose him, that they
 did not in the least pretend to it, nor so much
 as mention it, but went upon a quite differ-
 ent Ground, as is very well known. But be-
 sides that, the Matter of Fact is not more false
 than the Matter of Right is defective : That
 is to say, If they had done so *de facto*, it had
 been *de jure* null and of none effect, as being
 utterly unlawful. I hope you will grant me,
 that what is in it self unlawful ought not to be
 done, and if it be done, ought to be undone
 again.

A. If I do, you will get nothing by it, unless you can prove that it was utterly unlawful to dethrone King *James*, even though he did not govern according to Law.

B. Very right : But that I can easily prove, both because there is no Law for it, and likewise because there are express Laws against it. First, I say, There is no Law or Statute that the Subjects or People of *England* can in any Case depose or dethrone their Lawful King. This being a Negative Proposition it cannot be expected that I should prove it. It lies upon your Party (at least those of them that shelter themselves under this Pretence) not only to produce such a Law, but to make it appear, that it has never yet been repealed ; till which time the Proposition will stand good against them. 'Tis true Mr. *Johnson* in his Argument does mention such a Statute, and lays the greatest Stress of his Argument upon it, and yet confesses afterward, that whatever there might be formerly, there is no such Thing now to be found ; which is enough for my purpose, because not to be found, and not to be in being, are the same Thing in Law. Secondly, As there is no Law to warrant or authorise the Deposition of any of our Rightful Kings, so there are express Laws against it. Such is that of the 12. Car. 2. where it is declared, That neither the Peers, nor Commons, nor both Houses together, nor the People collectively nor representatively, in Parliament or out of Parliament, nor any other Persons whatsoever have any Coercive Power over the King of *England*. And in the 13. Car. 2. it is declared, That the Sword is solely in the King's Power, and that neither one nor both Houses of Parliament can or lawfully may raise or levy any War offensive or defensive against his Majesty. To these I may add what is declared in the Act of Uniformity, namely, That it is not lawful upon any Pretence whatever to take up Arms against the King. If it be said, that there is nothing mentioned of dethroning of Kings in any of these Acts I have quoted, and consequently that they are nothing to the purpose. I answer, That to dethrone a King is a degree of Rebellion beyond any thing mentioned in these Acts : For the reason why Subjects do assume to themselves a coercive power over their King,

or pretend to take up Arms or levy War against him is that by these means they may dethrone him : And if so, it must needs be granted, that the former being condemned by these Statutes, the latter is much more so, as being a higher degree of the same Crime. So that they of your Party who found K. *W's* Right on the Peoples deposing of King *James* for Male-Administration, have no imaginable way to evade the Force of these Laws I have mentioned, unless they say that they are above all Laws, and can dispence with them at their Pleasure, which was one of the chief Things objected against him, and what was thought absurd in him. I am sure is much more so in them.

A. I hope you have now done with that Pretence, for the Truth is I never much lov'd it, nor laid any great Strefs upon it ; and therefore I do not think my self much concerned in the Arguments you have brought against it, which is the chief Reason why I have made little or no Reply to you since you entered upon the Examination of it.

B. Had you told me so at first it would have saved me a great deal of Trouble, for then either I would not have mentioned it at all, or at least would not have insisted so long upon it. But that is your Cunning. Whichsoever of your Pretences happens to be examined, you are resolved to say nothing of it, till first you hear what can be said against it : And if it so fall out that the Arguments against it make no great Impression upon it, then, to be sure, that is the Pretence you always confided in : But if it happens to be baffled, why then, forsooth, you did not like it from the beginning. But perhaps we may meet with more such before we come to an end. The next that comes to be examined is that of Forfeiture. The Substance of which is, that by these violent and arbitrary Proceedings and Male-Administrations formerly mentioned, K. *James* did really and truly forfeit all Right and Title to the Crown. This Pretence, I hope, will be sooner discussed than the former, because though in some Respects they differ very considerably from one another ; the one affirming, That he was deposed by the People : And the other, That he did really unking himself, and forfeit his Right, so that there

was

was nothing left for the People to do, but only to declare it and dispose of the Forfeiture, yet they both agree in this, The same Grievances and Male-Administrations are alleged by both Parties, as the Ground or Reason of what they contend for : And therefore having spoke what is sufficient of these Grievances already, it will be needless to enter upon a Second Consideration of them. It only remains that we examine what is grounded upon these Grievances, which is no less than King James's forfeiting all his Right and Title to his three Kingdoms ; which however confidently asserted, may as easily be disproved, if either Law or Reason may be admitted as Judge. As for Law, I do not see it is so much as alleged : For although it might reasonably enough be expected, that they who take upon them to declare, that in case of Male-Administration a King forfeiteth his Crown, should shew some express Law, or Statute, or Act of Parliament by which it is so enacted. They have not yet been able to do it ; and indeed how should they, when there is no such Statute to be found ? They may well pretend to find some such Clause in the Original Contract between the King and People, which when they are so kind as to produce we shall most willingly submit to its Decision of the Controversy ; but that any such Clause is to be found in any subsequent Statute is scarce to be imagined : For you very well know we never had any but what was made so by the King, that a Vote or Bill in Parliament though past in both Houses, is of no Force or Authority till sign'd by him ; it is he only that gives it the force of a Law. And do you think it probable that any King that is actually and legally in Possession of a Crown, and is to transmit the same to his Posterity, should of his own accord make a Law that in case of Male-Administration either by himself or by any of his Heirs and Successors that Crown should be forfeited ? No doubt, Parliaments always have been and yet are inclinable enough to prepare such Bills, if they had any hopes of Success in them ; but that any King should give the Royal Assent to them is not in any reason to be expected, for that were to loosen the Bonds of his own Government, and deliver

both it and himself up as a Prey to the restless and unruly Multitude, who, if once such a Door were unhol'ded, would always find Pretences enough to push it open. But this is not all. Besides that there is no Law to support this Pretence, there are express Laws to overthrow it. Those very Statutes I have already quoted against deposing of Kings from their Right may be no less pertinently alleged against their forfeiting of it : For as no King can be deposed but by Force, so neither can it be expected that ever he will own his having forfeited his Right but by Force. And therefore since by these Statutes it is declared to be unlawful to take up Arms or Levy War against the King, or to assume any Coercive Power over him, they are no less pleadable against this Pretence than they are against the former.

A. I must confess I do not at all agree with you in that. My Reason is, because what Force is employed in deposing a King is used against him even while he is King, which is expressly against those Statutes : But in the case of Forfeiture it is quite another thing ; for in that there is no Force used till first he has forfeited his Right, and in so doing he ceases to be King and becomes a Private Man : So that whatever Force or Violence is used afterward to drive him from that Right he has already forfeited, cannot properly be said to be done against a King, nor consequently to be condemned by the fore-mentioned Statutes.

B. That Answer (whatever you may think of it) is none of your own, but borrowed from the Old Republican Party in Oliver's Time ; who among many other Artifices to abuse the Simple, and palliate their Rebellion against King Charles the First, reviv'd that old exploded Distinction between the King's Authority and the King's Person. They pretended that by his Misgovernment he had forfeited his Authority. So they not only amused Men's Minds with that confound'd Distinction between his Authority and his Person, but set up the one in opposition to the other, and at last took up Arms for the one against the other ; that is, they fought against him, not as one clothed with Regal Authority, for that he had already divested himself of, but as a Private Person ; which is the very thing alleged in your Reply.

But

But if that Distinction, however plausible, was treasonable and rebellious then, (as most certainly it was) it is much more evidently so now, as being expressly condemned by these very Statutes I have mentioned which were indeed framed for that very purpose; for by them it is expressly declared *That it is unlawful to take up Arms against the King upon any Pretence whatever.* And if so, then to take up Arms against him on pretence that he is no longer King, is as fully condemned as any other Pretence. In a word, either you must grant that this No tion of a King's forfeiting his Right and by that means unkinging himself and becoming a Private Person, neither can nor ought to be made use of as a Pretence to take up Arms against him, or you must own that it falls directly under the Condemnation of that Statute. But if that is not sufficient to convince you, be pleased to consider what is further added in the Declaration contained in that Statute; namely, *That as I declare it unlawful to take up Arms against the King upon any Pretence whatever, so I abhor that traitorous Position of taking up Arms by his Authority against his Person.* There you see that to divide the King's Authority from his Person (which cannot well be done but on supposition that he has forfeited his Authority) and upon that Pretence to take up Arms against him, is declared to be such a traitorous Position as by all good Subjects is utterly to be abhorred.

Having thus far endeavoured to make it appear that this Pretence of a King's forfeiting his Crown and Dignity, in an Hereditary Monarchy where no other Compact is to be found between him and his People but what is contained in those several Acts of Parliament which from time to time have been signed by him and his Predecessours, is no less illegal than the former Pretence of deposing him; the next thing to be done is to shew you that it is every way as absurd and unreasonable, liable to the same Inconveniencies, and necessarily involving People in the same endless Confusions: It being every way as impossible that ever our Government can be secure upon this Supposition as upon the former. To pretend that a King has forfeited his Right, and upon that Pretence to take up Arms against him, force

him from it and dispose of it to another, tho' in some respects it differs from deposing of him, yet it fully agrees with it in this, that it can hardly fail of producing the same pernicious and mischievous Effects. Let it once be put in the Head of any People (especially such a wanton, unsteady and ungovernable People as that of this unhappy Island, whom even the strictest Laws cannot constrain within the bounds of Submission) that in case of Misgovernment the King does forfeit all his Right and Title to the Crown, becomes a Private Person and as such may be opposed and forced from his Right, and you may easily guess what will be the result of it. What Factions and Divisions, what Plunder and Rapine, what Slaughter and Bloodshed, what lasting Miseries and endless Confusions (far more importable than the greatest Grievances under the worst of Kings) will unavoidably throng in upon the opening of such a Gap, is but too apparent to all considering Men. It were easy to enlarge upon this Subject, but withal it were very needless; for there are many yet alive among us who by their own sad Experience have been sufficiently convinced of the Truth of these Things, having been Eye-Witnesses of the deplorable State and Condition that these unhappy Nations were reduced to, merely by acting according to these Principles and Pretences against King Charles the First. So great was the Misery they groaned under, and so far were they from having any Prospect of Relief by any other Means, that at last they were convinced there was no other way to remedy the Evils, but by undoing what they had done as far as lay in their Power, by calling Home the Rightful Heir to the peaceable Possession of what they had so long and to injuriously deained from him: Which accordingly they did, and found their Condition sensibly altered for the better in so doing, that they not only conceived an Abhorrence of those Rebellious Principles that had so fatally misled them, but thought themselves obliged to take all the Care and make all the Provision they could, that no such thing should happen for the future. All this is plain Matter of Fact which no Man can have the Impudence to deny. Would not one think it strange then, that

that after all this we should fall into the same Mistakes and tread the same fatal Steps again? and that so soon too alter our Sufferings, that a great many of us have yet a very fresh Remembrance, if not a very feeling Sense of them? And yet you see it is so; we have, as near as can be, taken the same Measures as formerly, acted upon the same Principles, involved our selves in the same Difficulties, begin to feel the same Miseries, and must at last make use of the same Remedy, or we will find Reason to repent it when perhaps it will be too late. In a word, should this Principle universally obtain, or meet with the same favourable Reception in other Nations, as it has done in this, there would be nothing but Confusion in all Corners of the World; it being utterly impossible in such a Case, either that any Government can be secure, or any People can be happy. For I must tell you, if once this Door be set open, it will signify nothing whether a King governs according to Law or not, whether the Grievances complained of or the Male-Administrations alledged against him be real or pretended, it will be all one and the same Thing; for the People will be Judges of that whether it be Reason or not. If they do but think them to be Grievances, whether they be really so or not, Nay, if they do but call them so, whether they think them so or not, the Case will be the same: It is but filling mens Heads with Fears and Jealousies, persuading the Multitude that their Liberties, their Religion and all that is dear to them is in danger, warning them to be upon their Guard and look to themselves, and then the Business is done: Down goes the King, and up starts a Creature of their own making: Nor has he any better Security than his Predecessor had; for if he be not either a meer Tool, or an absolute Tyrant, that is, if he does not either submit to be wholly governed by his People, and prostitute his Authority to every Caprice of the giddy Multitude; or put himself into a Capacity to govern them with a Rod of Iron, and force them to Obedience by a standing Army, backing his Royal Will and Pleasure, not with the *bruta Fulmina* or empty Noise of Acts of Parliament, but with the *Ratio ulti-*

ma Regum, or the more solid and convincing Arguments of great Guns; I say, if he does not take either of these Courses (whereof I think neither is much to be commended) he cannot in any reason expect to be otherwise dealt with than his Predecessor was: Nor is it reasonable to imagine, that ever the Frolick will end, so long as that Door is left open; and some would think it had been a great deal better and more advisable to have kept it shut at first.

A. I confess your Arguments against both the former Pretences are so very specious and plausible, that they deserve to be seriously considered, which, I promise you, they shall be how soon I can have a convenient Opportunity: Only at present give me leave to ask you a Question or two, and then, if you please, you may proceed. You say it cannot be made appear by any Law or Statute, that in case of Mis-Government or Male Administration the King does either forfeit his Right, or is liable to be deposed by the People; and perhaps it may be so, because, as you have observed, whatever Reasons any Parliament might have had to have promoted such a Bill, it is not at all likely that any King would have Signed it. But what do you say of the King's Coronation-Oath? Does not that lay an indispensable Obligation upon him not to oppress his Subjects? Does he not solemnly promise and swear in that Oath, *That he will govern according to Law? That he will maintain their Religion, their Liberties and Properties entire, without making any Encroachment upon them.*

B. I grant he does; but what then? Will it therefore follow, that if he does not exactly perform these Things he forfeits his Right, or is accountable to his People? If you can find any such Clause in that Oath it will be very serviceable to your Cause, but if not, it will signify nothing. It is very well known, that our Kings do immediately succeed to the Crown upon the Death of him that reigned last. That whoever does lineally succeed, is to all Intents and Purposes as truly and fully King, and has the same Right to the Duty and Allegiance of his Subjects, before he takes that Coronation-Oath as afterward. It is neither

the proclaiming nor crowning of him that makes him King. Such Solemnities (I grant) are customarily used upon any new King's Accession to the Throne, but his Right or Title cannot be said to depend upon either of them, it being indeed antecedent to both. And as his Right to govern is prior to his Coronation, so is the Obligation he lies under to govern according to Law, to consult the Good of his Subjects, and inviolably to preserve all their Rights and Privileges; that also is prior to his Coronation-Oath: For what he swears then is not entering into any new Compact with his People, but only a solemn Acknowledgment and Ratification of what he was obliged to before. In a word, The bounding and limiting of his Authority is not properly owing to his Coronation-Oath, but to the Nature and Constitution of the Government it self, and consequently, must commence from it's first devolving upon him. But it were needless to insist upon this Matter; for whencesoever it proceeds that the King is obliged to govern by Law, it will signify nothing to your purpose, unless you can make appear, that in submitting to that Obligation he did likewise oblige himself. That in case he did not act conformably to it he should forfeit his Right, or be accountable to his People, which I am sure you cannot do. Suppose a Father should solemnly swear to his Children, That he will carefully educate them and provide for them; in that case he stands obliged to do, and yet that Obligation cannot properly be said to be introduced by that Oath, but only to be ratified and confirmed by it, for it is indeed the natural result of his Paternity and commences with it: But whencesoever that Obligation proceeds, I hope you will not say, that if his subsequent Measures are not answerable to it he ceases to be a Father, or is liable to be degraded from that Dignity by them. That he is accountable to God Almighty for it, and so much the more severely punishable because of his Oath, I freely grant; but that it brings him under the lash or censure of his Children, I utterly deny, for that neither did nor could swear without swearing away his Right. In like manner I do very freely grant, that if a King in the Exercise of his Government, does

violate that Obligation which naturally arises from the Constitution of that Government legally devolving upon him, or his accepting of it so limited and qualified, that is to say, if he does not consult the Good of his People and inviolably preserve all their Rights and Privileges, he is severely accountable to God Almighty for it; much more so to that primary Obligation he superadds the solemn Confirmation of an Oath: But that either of them does in such a case subject him to the Judgment and Discretion of his Subjects, is a Doctrine (however boldly asserted, yet) impossible to be proved: It being plainly evident that to whichever of these two you refer that Obligation, there is no such Clause to be found in it, nay, nor can be inserted in it for the future, without altering the very Frame and Constitution of the Government, which I shall very hardly grant to be in our Power.

A. The other Thing I would gladly know of you, is, how that Notion you have of Government can be reconciled to the common Principle of Self-Preservation, or supposing a King to misgovern and oppress his Subjects, What Remedy is there left? How shall their Grievances be redrest, or how can there be an end put to their Sufferings? For my part, I can see no possibility of it according to your Principles, but an absolute necessity of groaning under them as long as their Government pleases; which in my Opinion is very harsh Doctrine if not very absurd and unreasonable.

B. If instead of saying, as long as their Governours please, you had said, as long as God Almighty pleases, 'tis to be hoped you would have been of another Opinion. But letting that pass, I shall give you a more direct Answer. That this Doctrine seems harsh to those who are so addicted to their Ease and Interest that they are impatient of every thing that crosses them, I do not at all wonder; but let me advise you not to be so rash as to condemn it as a absurd and unreasonable, lest you be found to condemn that Doctrine which our Saviour himself has taught us in the Holy Gospel; for I am very well assured that what I have said in this, infers no greater Necessity than what he has said in that, nor is there any Redress condemned by me which is allowed by

ly him. I need not tell you how useful and necessary a Duty Patience is in the Christian Religion, nor how earnestly our Saviour recommends it to all his Followers: No Man can be ignorant of that who does but read the Gospel. Nor is Patience to be understood only of a meek and humble Submission to those Crosses and Afflictions which are the more immediate Dispensations of Divine Providence, such as Sickness, Poverty, the loss of Friends and several other things of that nature, but particularly implies a constant and resolute Suffering of those Injuries and Oppressions which we sustain at the Hands of others, especially those that are in Authority. How well those of your Party have acquired themselves in that Point is well enough known: For there are only two things opposite to this Patience, either a down-right Resistance, or a thorough Compliance, and I am afraid there are but very few among you that have not been very eminently guilty of the one or other: For when K. J. made those unhappy Digressions from the establish'd way of Government which have since been complain'd so much of, one half of you were all the while caressing him with tallow Addresses, applauding his Government, and promising to stand by him and give him with their Lives and Fortunes; when, in the mean time, others of you were forming a Conspiracy, and at last broke out in open Rebellion against him, wherein now both are joined. The Truth is, If the Measures those of your Party have hitherto taken be justifiable, instead of calling Patience a Virtue, I shall look upon it as a great piece of Impertinence, being fit only to be used when a man cannot otherwise choose, which inverts a good old Saying by turning a Virtue into Necessity.

A. Whatever Truth there may be in what you now say, I must take leave to tell you, it is contrary to the Purpose: For whereas I charge your Principles with this Absurdity, That they lay a Necessity upon Subjects of enduring even the greatest Oppressions and most unjust Persecutions, as long as their Governour shall think fit, without any possibility of Redress, you shall alledge vindicating your own Recrimination upon us, objecting another

Absurdity against our Principles, which I humbly conceive is a very indirect and improper way of answering.

B. What you call an Absurdity in my Principles I account a very great Honour, because it demonstrates their Conformity with our Saviour's Doctrine in the Gospel, where we are taught, That in case our Governours should grievously oppress and persecute us, or command us to do unreasonable Things, we should neither seek to shelter our selves under a base Compliance, nor offer to right our selves by rising in Rebellion against them, but meekly and patiently to suffer. 'Tis true, he allows us when we are persecuted in one City to flee to another; and what is said of Cities may likewise be understood of Kingdoms, which Allowance is no less consistent with my Principles than with his Doctrine. Nay, more than that, I allow that when a King does misgovern or oppress his People, they who are of greatest Eminency and Authority among them, ought to interpose as far as they can, not by influencing Popular Insurrections, not by insolent and arrogant Remonstrances, nay, nor by saucy and unmannerly Petitions (all which do rather exasperate than mollify the Hearts of Princes) (but by meekly and humbly representing to him the Inconveniencies and ill Consequences which must need attend such irregular Measures, Such as loosning the Joints and shaking the Pillars of his Government, losing the Hearts and Affections of his best Subjects, depopulating of his Kingdoms, and, by Consequence, the exposing of him to the Insults of his Enemies. If instead of making these Things the constant Subject of wanton and indirect Pens in unlicensed Pamphlets, the usual Entertainment at Coffee-Houses, or the common Theme of Popular Harangues to the giddy Multitude; I say, If instead of that, these Things were represented to the Governour himself, by one wiser and better Sort of the Nation, with that Modesty and Submission that becomes the Subjects of a sovereign Prince, it can hardly be imagined that any King of tolerable Prudence would persist in such Courses. It being no Dishonour to any King, rather to consult the Good of his Subjects in general, than the private

Answer

Ambition and Revenge of any Favourite in Particular. But if our King should be so obstinate, or we so unhappy, that notwithstanding that, there is yet no Redress of our Grievances; our next Recourse must be, not to Arms, but to Almighty God by earnest Prayer and Supplication, that since the Hearts of Kings are in a special Manner in his Hands, and that as the Rivers of Waters he turns them which way he pleases, he would vouchsafe to Incline our King's Heart so to govern, that the Advancement of his Glory and the Good of his Subject may be chiefly aimed at: And particularly that God would put it into his Heart to pity the Groans and redress the Grievances of those that are oppressed. If that also proves ineffectual, then are we to look upon it as a Time appointed by Almighty God, either for the Punishment of our Sins, or the Trial of our Patience, and accordingly ought meekly to submit and patiently to suffer; which however grievous to those who have no farther prospect than of the Conveniences of this present Life, is yet far from being so desperate as you seem to believe; we being well assured that by so doing we are entitled to a Glorious Reward in the other World, which (however lightly some may esteem of it) will far exceed all that can be proposed either to be got by a down-right Rebellion, or saved by a base Compliance. That God Almighty can put an end to our Sufferings when he thinks fit I hope you will not deny, nor have we any reason to doubt but he will do it, if we do but with Patience and Submission wait his Time, and not take upon us to wrest the Sword out of his Hands, and revenge those Injuries which we imagine are done us by rebelling against his Vice-gerents and forcing them from their Right. That is a Course was never practised but by the worst of Men and in the worst of Ages. What can we say for our Selves when we consider what we have done, and compare it with what in the like Cases has been done in former Ages? For all the Out cry we have made against King James's Tyranny, we had not yet resisted unto Blood, as many have done before us, in adhering to Religion. I need not go so far as the Primitive Times of Christianity for Pre-

cedents of Loyalty and Submission even under the most bloody Persecutions, to confront and shame our present Practice; let us but reflect upon the Circumstances we were in during Q. Mary's Reign. What Prospect was there of Peoples being eased of their Sufferings then? They were then actually under those Persecutions which we were only afraid of, and had far less probability of Deliverance; and yet you see God Almighty did soon put an end to them. Yes, I say, he did it, and not they themselves, for rather than deliver themselves by any treacherous or rebellious Practices from these Persecutions, they resolved patiently to endure them expecting Relief from none but God: In which they were not disappointed, for in Compassion of their Sufferings he sent them Deliverance without their Assistance, and beyond their Expectation. Surely none of King James's Subjects was ever so unjustly persecuted by him as the Prophet David was by King Saul, and yet when he had an Opportunity to be revenged on him, and secure himself for the future by violent Means, how generously and piously does he argue against it, 1. Sam. 26. 10, 11. *As the Lord liveth (says he) either the Lord will smite him, or his day will come to dye, or he will perish in Battle, but God forbid that I should stretch forth my hand against him.* He does not conclude a you do, That admitting the Principle of Non-Resistance, there can be no End of Peoples Sufferings, but on the contrary is very confident, that in adhering to that Principle they shall certainly see an end of them. Which way God Almighty will bring it about he does not decide, nor will it become us to enquire, but that he will do it one way or other he makes no Question, and in that Confidence resolves never to shrink from his Loyalty, whatever he may suffer. Had we thus committed our Cause to God, and continued firm in the Performance of our Duty, I do not in the least doubt, but that ere now we should have found a better and more effectual Redress of our Grievances than hitherto we have obtained by all the indirect Means we have used. This I take to be a very direct Answer to your Demand, and a very plain Vindication of my Principles from the Charge you have

have brought against them. But how you, or any of your Party, will be able to vindicate yours, or reconcile them to our Saviour's Doctrine in the Gospel, I cannot imagine; there being this great Difference between them, that the one teaches us to suffer, and the other to rebel.

A. What you call Rebellion we affirm to be nothing else but a just and necessary asserting of our Rights and Privileges, in Opposition to those, who (whatever Right they have to govern us, yet) have no Authority to encroach upon them, which is a Thing so justifiable that it needs no Vindication; or if it did, I doubt not but that there are several among us, that could do it beyond all Exception. But because that Point will go high to be decided at afterward, if you can make good what you have undertaken, I shall wave insisting any further upon it at present, and desire you to proceed.

B. What you said of my Answer to your Demand I may very well say of your Reply to it, namely, That it is nothing to the Purpose; for the Absurdity of it, & against your Principles is that they leave no Occasion for Suffering, and render the Duty of Patience (though a very principal Duty of the Christian Religion) altogether useless; which your Reply is so far from answering, that indeed it amounts to no less than a plain Concession: For if it be necessary, or so much as lawful, for Subjects to redress their Grievances by rising in Arms against their King, or (as you are pleased to call it) to assert their Rights and Privileges in Opposition to Authority, who does not see that in such a Case there is no need of Patience but when we cannot otherwise choose, nor any Occasion left for Suffering but in an ill Cause, or when we justly deserve it? which if it may in any sense be called a Virtue, is yet so very low a degree of it, that in St. Peter's Opinion it scarce deserves Thanks, 1 Pet. 2. 19, 20. *This is Thank-worthy, if a Man for Conscience toward God endure Grief, suffering wrongfully: For what Glory is it, if when ye are buffeted for your Faults you shall take it patiently? But if when you do well and suffer for it, ye take it patiently, this is acceptable with God.* And whereas you mention the asserting of

your Rights and Privileges as a thing distinct from Rebellion, I must tell you that in most cases they are the very same thing, the one being nothing else but a Pretence to colour the other: For if that asserting of your Rights be done with your Arms in your Hands, in Opposition to Authority, especially if it goes so far as to dethrone him that is Supreme, or (which is the same thing) to force him from the Government, give it what specious Title you please, it is nothing else but down-right Rebellion. But because you are willing that the farther Consideration of this should be waved at present, I shall therefore insist no longer upon it.

In the next Place, I proceed to the Fourth and Last Pretence against King James's Right, namely, his Abdicating of the Government. If I can bear you from that Hold, your Cause is entirely lost; nor that I think that can be better defended than any of the former, but because it was the only thing your Convention proceeded upon in pretending to settle our Confusions, or the only Ground-work on which they built the goosly Superstructure of the Present Government: On which account it is indeed the only thing you can fairly plead, as being the declared Sense of those who pretended to be the Representatives of the whole Nation; and consequently if that can be disproved, the whole Fabrick you have built upon it must of necessity fall to pieces. The Substance of this Pretence is, That King James by withdrawing himself out of the Nation, without deposing any Person to officiate in the Administration of the Government during his Absence, did indeed Abdicate the Government, that is, resign'd it up and left the Throne Vacant: Upon which the Nation being left to shift for themselves, did by their Representatives assembled in Convention declare and proclaim the P. or O. and the P. M. King and Queen of England, &c. In this Pretence are several Particulars, whereof every one will upon a strict Examination be found to be very ill-grounded. First, Concerning King James's withdrawing himself, I humbly conceive that before it can be interpreted to be an abdication or disclaiming of the Government, it will be very needful to enquire whether or

that it was voluntary: For that a Man's withdrawing himself from his House, or his Estate, or any thing else he has a Right to, should be interpreted to be a yielding up of his Right, though at the same time it plainly appears that his withdrawing was absolutely forced and involuntary, is so great an absurdity, that I am confident no Man will allow of it that will but take time to think. This puts me in mind of the Method taken by the *Convention* in *Scotland*, in proceeding against the Episcopal Clergy. They were forced from their Churches by the Rabble, so terribly threatened and cruelly used that they were compelled to withdraw for the Safety of their Lives; and yet the *Convention* were so far from punishing the Rabble, or restoring those poor distressed Clergymen to their Livings, that they interpreted that their forced Departure from them to be a culpable deserting of them, and so placed others in their room. A thing so strangely scandalous and reproachful, especially by being made a National Act, that I can scarce believe they would ever have ventured upon it, had not you encouraged them to it by your Example. It was you that led the way, for they thought it no Reproach to treat their Clergy as you had treated your King.

A. I must confess I do not at all approve of that Method you speak of in turning out the Church-men in *Scotland*: And if you can make it appear that King *James* was turned out after the same manner in *England*, I shall easily grant there has been a great deal of wrong done him; for I am so far of your Opinion, that except a Man's withdrawing himself be voluntary, or free from any Force or Constraint, it cannot fairly be interpreted to be a yielding up of his Right, unless he had no other Right but barely that of Possession, which is not at all pleadable in King *James's* Case.

B. Though I scarce owe you Thanks for this Concession, it being no more than what Reason and Equity force from you, yet I shall ask no more to destroy your whole Hypothesis: For that King *James* did not voluntarily withdraw himself, that he was plainly forced to it even for the Safety of his Life, does so evidently appear from the whole Series of Affairs after the P. of O's Landing, that what-

ever some Men may pretend, no Man can seriously think otherwise. You very well know, that he made all the Preparation possible to oppose the Prince's Party, that in order to fight him he appear'd at the Head of an Army, who had they been but willing were able enough to have chastised his Unnatural Insolence, and sent him back to the place from whence he came. I hope that was no sign that he had any thoughts of relinquishing or delivering up his Right.

A. No, I grant it was not: But after all that Preparation, what was the Reason he would not fight? His putting himself at the Head of his Army look'd somewhat like a Resolution to assert his Right? but his deserting them after so strange a manner and leaving them to 'hiss for themselves, and that in such a dangerous Juncture of time too, had quite another Aspect.

B. I cannot forbear telling you, that your charging him with deserting his Army is extremely disingenuous: For you cannot choose but know, that before he left the Army a great part of them had most basely and treacherously deserted him: In a word, those very Persons who had the Honour either of being most nearly related to him, or most highly preferred by him, and consequently, whom he thought he might most safely confide in, as being not obliged to stand by him; those very Persons, I say, did most shamefully betray him, not only by having designedly and industriously corrupted as many of the Army as they could before-hand, and prepared them for a Revolt, but by taking the first Opportunity they could to go over to the Prince, and assist him with their Counsell and what Forces they could carry over. Being thus basely served by those whom he thought he had most Reason to trust, what better Treatment could he in Reason expect from others; or indeed to rely upon the Fidelity of any about him? Not but that I grant some were faithful to him, and stood by him to the last; but besides that these were but few, the base Treachery of some had rendered the Fidelity even of the rest so doubtful and suspected, that there was no way to know it but by the Event, and consequently, it could not but be

very

very unadvisable to hazard a Battle upon the Confidence of it, his Cause being too good to be ventur'd upon such a desperate Push, as engaging the Enemy at such a Disadvantage must needs have been. On these Considerations, no reasonable man can blame his Conduct in leaving his Army, having no Assurance of his own Safety in it; especially having been told, by some who n. he had Reason enough to believe, That there was a Design in hand to seize upon his Person, and deliver him up to the Prince. This (whether true or false) could not but seem highly probable to him, many of them having already given sufficient Proofs, that they were capable even of the greatest Villanies. And how far the Poison and Infection had spread it self, no Man could tell. Thus was he forced from his Army by the Treachery and Defection of those who lay under the greatest Obligations to defend him. I need not much enlarge upon what followed after that: It is but too well known, that *White-Hall* it self was no safe Retreat for him; for though he propos'd to settle all Differences, and redress all Grievances, by an amicable Treaty, the Prince would not so much as hear of it, but confined him who brought the Message, and still advanced in a warlike Posture, thinking by that Means to frighten him away: But finding that would not do, he discharged his Guards and ordered his own to post themselves in their room, and then sent him a peremptory Message to be gone from his Royal Palace, which he was forced to do, or otherwise there to remain a Prisoner and be wholly at the Disposal of his Enemies, from whom (considering how they treated him even then as well as since) he had no reason to expect any Justice, much less any Favour. In a word, he had neither Liberty to go where he pleas'd, nor (if he had) could he find a safe Retreat in any Place of his Dominions, the City of *London* it self, and the Bishops having sent him word (when he propos'd putting himself into their Hands) that it was not in their Power to protect him: Upon which he thought it high time to make his escape out of the Kingdom and seek for shelter some where else, lest otherwise they should have made him a Glorious King, after the same man-

ner as they had made his Royal Father. These were the Reasons, this the manner of his withdrawing; and they that will take upon them to say that this was an abdicating of the Government, or a voluntary resigning up of his Right, may after that say what they please, their very saying of that being a plain Demonstration, that they themselves have abdicated both Sense and Reason.

A. I must confess if things were as you have represented them, his withdrawing himself out of the Kingdom cannot properly be said to have been voluntary, nor fairly interpreted to be an Abdication of the Government: But I would have you to know that they of our Party give a quite different account of it, telling us that King *James* might have stay'd if he had pleas'd, that his Life was in no danger, that he did not go away for fear of that, but because he was afraid or sham'd of being brought to a Tryal, wherein he might well foresee he should be accus'd of several horrid Crimes, from which it was impossible for him to vindicate himself. This is the account we have of it, which if true will sufficiently justify the Vote of the Convention.

B. The account I have given is all plain matter of Fact grounded upon undeniable Evidence, but that which you have given is made up of nothing else but impudent and malicious Calumnies, grounded on meer Surmises and unreasonable Suspicions of purpose to render him odious to his People, and confirm them in their Rebellion against him, wherein Almighty God, for the Sins of the Nation, has hitherto curs'd you with Success. You say he might have stay'd if he had pleas'd; I suppose you mean at his Peril, and then I join with you, for in that Sense I believe he may return too if he pleas'd; but whereas you say that his Life was in no danger, I must confess I am not of your Opinion. I believe indeed the P. would scarce have made any attempt upon his Life at that time, at least not directly, which yet is not to be impos'd on any Filial Duty or Respect, but rather to the Suspicions he had, that it would disgust the People, by whose only Favour he expected to compass his Ambitious Designs: For though he knew them to be strangely incens'd against their King, he was

afraid

afraid withal, that they were not yet debauch'd to that height as not to be startled at the murder of him: And for that Reason it was, that rather than detain him a Prisoner (which he might have done if he had pleas'd, but could not so well compass his Designs by so doing) he forced him to make an Escape. But however far that Politick Consideration might restrain the Prince from attempting any thing against his Life at that time, it could not in Reason be expected that it would be of any long Continuance, partly because great care was taken to extinguish those small Remains of Duty and Loyalty that were left among the People to their King: And partly because after the Prince had once obtained his Ends, and got himself settled in the Government, he would have little valued their Retirement. But whether his Life was in danger or not, as it is impossible for us certainly to decide, so it is not very material to dispute. Most certain it is, that he himself was very apprehensive of it, and it is no less certain, that he had a great deal of Reason to so be, and therefore did very advisedly (as Affairs then stood) to make the best of his Way, and wait a more favourable Juncture to return. As to what you mention of his being afraid to stand a Trial, as knowing himself guilty of several horrid Crimes, there is indeed a great deal of Malice, but nothing either of Truth or Sense in it. Of those horrid Crimes you mention, some are nothing else but horrid Calumnies, which you are so far from being able to prove against him, if he were present, that you had not the Courage to attempt the Proof of them in his Absence. Others of them, 'tis confessed, were Failings, yet such as might well have been rectified without turning the Government upside down: Nay, such as he himself had begun to rectify, and no doubt would have done it more to our satisfaction than now we can ever expect, had we not by our Impatience and incorrigible Obstinacy lost the Opportunity, by driving him away even when he was willing to give all that we could in modesty ask. As for bringing him to a Trial, What Sense is there in it? Who could pretend to be a Judge between him and his People? Or if such a

thing could have been, he had no reason to be either afraid or ashamed of it, since he knew himself to be so innocent that even his greatest Enemies could accuse him of nothing, but what he either could very easily disprove or was very willing to rectify. From what has been said it sufficiently appears that it was neither Shame nor Gull that made him leave us, but the imminent Danger he was in that forc'd him from us, which utterly ruins your Pretence of Abdication, and all that you have built upon it, even by your own Concession; for to abdicate ones Right is not to be forc'd from it but voluntarily to resign it.

A. Well, But what was the Reason then that he did not commissionate or depure some Person to officiate in his Absence? Certainly, if he had not designed that his going out of the Kingdom should be taken for a delivering up of the Government, he would have entrusted some Person or other with the Administration of it, and then his Claim had been good still; but having taken no such Care, nor made any such Provision, how can we look upon it otherwise than as an absolute Resignation? And besides that, his leaving us in such a manner wholly destitute of a Governour, laid an absolute Necessity upon us, either to supply that Defect by setting up another, or live in perfect Anarchy, which, even in your own Opinion, is the greatest Unhappiness that can befall a Nation.

B. I cannot tell whether I had best answer that or not, because I can scarce believe you are serious in it. Do you really believe, it would have been to any Purpose at that time for King James to have depured another in his Place? Can you imagine that the generality of the Nation would have owned such a Deputy, when they had rejected the Principal, or shewed more Respect to a Servant than they had done to the Master? So far are you from being able to make these Sham-Pretences pass with me, that I can never be persuaded you your selves believe them. No, no, Such sly Insinuations are suggested only to amuse the Vulgar, and may perhaps take with the unthinking Multitude, whom you manage with all the Art you can, as being the most necessary Support of your Government, but to

a man of Sense, or but of tolerable Prudence, they are no less ridiculous than disingenuous. Such a Deputation was neither practicable at that time, nor would it have served to any better purpose than only to have exasperated them so much the more against him, and given them a fresh Occasion of trampling upon his Authority. And as to that part of your Presence, that his leaving you destitute of a Governour, by withdrawing himself, did lay a Necessity upon you, either of setting up a new Governour to supply that Defect, or to live in Anarchy. I shall only tell you, that if you were really reduced to that Strait, and that it was a great Inconveniency and Hardship upon you to be, you cannot blame him for it, but may thank your selves that forced him away. But the plain Truth of the Matter is, you were reduced to no such Strait as you pretend, nor under any Necessity of choosing either of these Alternatives you mention, for had you either suffered him to stay when he was here, or called him Home again after he was gone, you could have been under no Necessity, either of living without a Governour, or of setting up a new one. Having thus far considered (and, I hope, sufficiently improved) this Presence of King *James's* having abdicated the Government, and left the Throne vacant by his withdrawing himself out of the Kingdom. It will be no hard matter to throw down what you have built upon it; for when the Foundation is overthrown, the Superstructure must needs undergo the same Fate. That which you grounded upon that supposed Abdication, was the declaring and proclaiming the Prince and Princess of *Orange* K. and Q. of *England*, &c. Now, I say, it being made appear that there was no such Abdication, that Declaration, or what you please to call it, which was grounded upon it, must be in it self null and of none effect, as being founded on a meer Mistake, and consequently, can be no Prejudice to K. *James's* Right: And if so, it will necessarily follow, that your whole Government is nothing else but a down-right Usurpation. But besides that, I must likewise tell you, that supposing the Ground-work of your Presence to be firm enough, I question very much whether it will

be able to support what you built upon it. The Truth is, I could never yet comprehend what you meant by Abdication, when you made so much ado about it in your *Convention*. Did King *James's* Abdication amount to an entire Dissolution of the Government? Or did it cause only a Devolution of it from him to another, as in the case of Death?

A I do partly understand what you mean, but know not well what to answer. I do believe the *Convention* did understand it in one of these Senses: but in whether of the two I am not certain; and therefore cannot be positive in answering your Question.

B. Then we must consider it in both Senses. First then, If by his Abdication the Government was entirely dissolved, I grant we were not under the Obligation of any Laws, but in the same original state of Freedom we were in before there was any Government at all, or as if the whole Royal Line had been extinct even in the most remote Branches of it, and consequently we might have altered the Government to what Form we pleased, it being absolutely in our Power to set up a new one, or to continue the former by ingrafting whom we pleased into the old Stock. Whether or not this was the opinion of any that were concern'd in your *Convention* I shall not dispute; only I must tell you, that among many other Absurdities, there are two Things in it which I am confident you will hardly agree to. First, That according to this Opinion, neither the Prince nor Princess of *O.* had any better Right or Title to the Crown by virtue of their Relation to King *James* than either you or I had: That all the Right they have is solely owing to the Free Gift and Donation of the People who elected them to that Dignity, while in the mean time they might have chose any other Person they pleased. Some indeed are very positive that it was so, but others stickle as hard against it: And besides that, it is far from being the Opinion of the Persons themselves that have taken the Government upon them; for it cannot be expected that ever they will content themselves with such a precarious Title as that comes to. But, Secondly, there is yet a worse Thing in it; for if that Opinion be true, there was such an essential

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Error

Errour and Defect in the Election of these Persons, as makes the Choice it self void and null. The Case is plainly thus: If the Government was entirely dissolved and a new one to be set up, it was but reasonable that every particular Man should have a Vote in it; for since by my submitting to a Government, when I am absolutely Master of my self (which I must be allowed to be in the Case now supposed) I do divest my self of all the Right I have, and transfer it by way of Trust upon the Governour, at least so far as the Ends and Exigencies of the Government shall require it, and that so unreservedly that I can never revoke it afterward, it was absolutely necessary that it be done by my own free and express Consent: For there can be no Reason why one Man's Right should be given away by another Man's Vote, except there be some positive Law for it, which is not at all pleadable in this Case, because all such Laws must be supposed to be *ipso facto* dissolved with the Government. This being granted, it will necessarily follow, that your electing or promoting the Prince and Princesses Q. O. to that Supremacy of Government which they now hold, was utterly void, because the greater part of the Nation were so far from giving their free and express Consent to it, that it was not so much as required of them.

A. There is no way for a whole Nation to give their Consent in such cases, or in things of that Nature, but by their Representatives, which accordingly they did; for the *Convention* were the Representatives of the Nation.

B. That they pretended to be so I grant, but that they really were so cannot be affirm'd in any tolerable Sense; for the far greater part of the Nation were not at all consulted in this Matter, nor gave them any Authority or Commission to represent them; and therefore what was done by the one, cannot in any Sense be interpreted to be the Act or Deed of the other. If it be replied, That a great part of the Nation are not qualified by the Laws of the Land to choose any Representative; I answer, That in the Case now supposed these Laws could not bar any Man's Vote, because if the Government it self was entirely dissolved, all those Laws whereby particular Persons are

either capacitated or incapacitated to choose Representatives, must needs have expired with it. Since then it is evident, *First*, That no Government can be imposed upon Men that are absolutely free, without their Consent: And *Secondly*, That in setting up of this, the Consent of the greater part of the Nation was not so much as asked: It must necessarily follow, that what was done in the *Convention* is in it self void, as being destitute of competent Authority.

A. Whatever Irregularities there may have been in the Proceedings of the *Convention*, supposing King *James's* Abdication to have been a total Dissolution of the Government. I shall not much concern my self to vindicate them, because I am apt to believe there are not many of that Opinion. But what fault do you find in them supposing that Abdication to be understood in that other Sense you mentioned.

B. The other Sense of it is this, that notwithstanding King *James's* Abdication, the whole ancient Frame of the Government was left entire, only he had departed from his Right to it, and made way for another to succeed him, as if he had been removed by a natural Death. That (I must confess) is a great deal more plausible than the other, and yet if you take it even in that Sense, it will be impossible to vindicate what the *Convention* have built upon it: For if King *James* did really depart from his Right by leaving of the Kingdom, that Right must immediately have devolved upon the next in Succession, after the same manner as if he had been naturally dead. It will not at all be proper here to dispute who was the next in Succession, for that would take us clear off from the Subject we are now upon. Let it be supposed that the Birth of a Prince of *Wales* was a meer Imposture, and that the Princesses of *Orange* was the next undoubted Heir to King *James*, even in that case I know not what the *Convention* had to do but only to declare so much, and immediately to proclaim her; for they could not pretend to give her that which was already her own by Inheritance. As for their declaring the Throne to be vacant and making an *Inter-regnum*, it was no better than Non sense: For however frequent-ly

ly that may occur in Elective Kingdoms, it can have no place in those that are absolutely Hereditary, as ours most certainly is; it being a Maxim in our Law, *That the King cannot dye*, and the Reason of it is, because his whole Right and Title does immediately upon his Dissolution devolve upon the next Successour, so that there can be no such thing as a Vacancy so long as there is any of the Royal Line in being. Indeed if the Person that is next in Succession be at some considerable Distance, there may be some Interruption in the Regular Administration of the Government, but to think that the Throne is self can be vacant is absurd, unless you will call it vacant when the King is not actually upon it, in which Sense I grant there is a Vacancy every Day. Having thus declared the Throne to be vacant, (which was the same thing as if they had set up this Bill over their Door, *Here are three Kingdoms to be Let, Enquire within and you may be further informed*) the next thing they did was the making an humble Tender or Proffer of them to the Prince and Princess of *Orange* which they, of their great Goodness and Condescension, were most graciously pleased to accept of. I do not know whether she made them a Courtesy or not, but I am sure he had Reason to make them a Leg. The Truth is, I believe they did neither one nor t'other: Not she the former, because she got no more than what she thought was her due: Nor he the latter, because it is not the Custom of his Country. But, in good earnest, what could the Convention mean by disposing of the Crown after that manner? Or by what authority could they pretend to meddle with it? Men may dispose of their own how they will, but to take the same Liberty with what does not belong to them, is a little too officious. Had the Government been dissolved, it had been properly their Business, with the Consent and Approbation of their Principals, to have set up another: But since there was no such Dissolution, but only a pretended Cession or Resignation, there was no Occasion for them to interpose any farther than by acquainting and proclaiming the next Heir. Had they done no more than so, they had acted (however disagreeable to the true state of the Case,

which was far different from what they would needs make it, yet) suitably enough to their own Pretences: But you very well know, they were so far from containing themselves within these bounds, that having declared the Throne vacant, they not only took care to have that Vacancy supplied, but did it in such a manner as was utterly inconsistent with the Fundamental Laws of Succession in this Kingdom, than which nothing of that nature ought to be held more sacred or more inviolably observed. You cannot well be ignorant of what I mean; the breaches they have made in the Royal Line, and the Care they have taken to defraud the Right Heir, being plain enough to be seen: *First*, in setting aside the Prince of *Wales*, and all that happen to descend of him, to make way for the Princess of *Orange*. And, *Secondly*, In settling the Crown upon the Prince her Husband, not only during her Life, but also during his own, however long he may happen to survive her, which is evidently to the Prejudice of the Princess *Anne* and her Heirs. Such bold and daring Encroachments on the Sacred Right of Succession had need be supported by very solid Reasons, especially when they are enacted by a Law. Perhaps you will say, you do not doubt but they had very good Reasons for what they did, or at least that they themselves thought so, else they would never have attempted it. Well, It may perhaps be so: However, I think they were very wise in not publishing and declaring them to the World, as a certain Reverend Doctor did his Reasons, for if they had, 'tis a chance but some body or other would have been so saucy as to be nibbling at them, and to answer them as they did the Doctor's; it being no unusual thing for the same Reasons to be accounted weak and silly when once they are Published, which whilst they were concealed were presumed to be very solid and substantial. On this Consideration that honourable Convention has left us so much in the dark, as to the Grounds and Reasons of their Proceedings, that we must even satisfy our selves with the general Account, That what they did, was for several weighty Reasons best known to themselves.

Thus

Thus I have performed in some good measure what I undertook, having considered, examined, and (I hope) disproved the several Pretences on which they of your Party endeavour to found the loss of King *James's* Right. I have made it appear there is not one of them but what is both illegal and unreasonable: And if so, it will necessarily follow that his Right and Title is yet still good, and consequently that whoever else does assume it is a Plain Usurper, and all that support him in it, Rebels against their Lawful King. What Replies you thought fit to make I have fully answered, what Questions you have proposed I have resolved, what Objections you have urged I have refused, and given such a plain, true and inartificial account of things, that I am confident there is no considering man, that is void of Prejudice, but will rest fully satisfied of the goodness of the Cause I have undertaken.

A. I must confess you have made it appear a little better to me than hitherto it has done. I am not at all ashamed to grant, that you have said several Things in the Vindication of King *James's* Right, which I cannot pretend to answer, nor will be so disingenuous as not to own that there is a great deal of Reason in what you have urged against that of *K. W.* But which I must tell you, it is not very probable that what you have said on either Side will be to any good purpose now: For though I grant, that if these Things had been duly weighed and seriously considered at first, they might have gone high to have prevented the Measures you so much complain of, which, for ought I know, had been very happy for us; yet I cannot in Reason be expected, that they will be of sufficient Force to unravel them again, or to put us upon undoing what has been done, nor can I be convinced that it were fit they should. No, 'tis too late to think of that now. Things are already gone so far, that now there is a Necessity of continuing them as they are: For though King *James's* Right were every way as good, and *K. W.'s* as bad as you pretend, yet, as matters now stand, the dispossessing of the latter and re-inthroning of the former would, in all appearance, expose the Nation to so many

Dangers and Inconveniencies, that all thoughts of that must be for ever laid aside.

B. I find you are now reduced to your last Shift, which gives me some Hope: that this Dispute will soon be at an end, for I am confident you will be less able to defend this than any of the former. The Truth, is I am apt to believe if you had seriously considered it you would not have so much as mention'd it, for however plausibly it may be urged in point of Policy, it is so grossly faulty in other Respects, that there is no good man but would be ashamed of it, and that especially for these two Reasons. *First*, Because it is Irreligious. And, *Secondly*, Because it is most Unreasonable and Distinguishing. *First*, I say, that to own *K. J.'s* Right to the Crown to be still good, and consequently that of *K. W.* to be no better than usurp'd, and yet to plead a necessity of supporting the latter in opposition to the former, because of the Dangers and Inconveniencies that a new Revolution would bring along with it, is most apparently Impious and Irreligious. Let it be granted, that the Evils and Inconveniencies that would attend the restoring of King *James* were every way as great as is pretended, and likewise on the other Hand, that there were not only no Inconveniencies, but indeed a great many Advantages in continuing the present Establishment, or in supporting *K. W.'s* Title; I say, let all that be granted, which I am sure is more than I am bound to do, or you in reason can demand, yet even that can never justify your Cause; for so long as it is confess'd that *K. James* (however dispossest) has still the true Right to the Crown, and that the other's Title is grounded only on a wrong Supposition of the contrary; the best that can be made of your Plea, even when thus favourably stated, is, that it is a doing of Evil that Good may come, which is expressly condemn'd in the Gospel. That it is a very great Iniquity to defraud or deprive one of his Right I presume no Man will question, it being generally accounted a Sin of so heinous a nature, that the Party offending can expect no Absolution without making Restitution, at least if it lies in his Power. I grant there are several Considerations which in some Cases may extenuate the Guilt of it, but that any Consideration can

can justify it or make it cease to be a Sin, is inconsistent with the Principles of that Religion which we profess. 'Tis true, it seldom fails but that when an Injury is done to one Man, it tends to the Advantage of another, perhaps of a great many: Nay, it may so fall out that the Advantages thereby gained on the one Hand are really greater and more extensive than the Losses sustained on the other: And yet even in that case it cannot be denied but that there is a great deal of Injustice in doing that Injury, because there can be no reason given why one Man should be oppressed or purpose to make way for the Advancement of another, or that one Man should reap Benefit at another Man's Cost and Charges, at least not without his own Consent or some valuable Consideration. All such Acts of Violence, however circumstanced, or whatever Advantages may accrue to others by them, whatever specious Pretences there may be to excuse, or whatever Laws were framed or purpose to justify and support them, are no better than meer Oppression, which is one of those crying Sins, which, sooner or later, will certainly draw down the Judgments of A mighty God upon the Head of those that are guilty of them: And he that ventures to run the Hazard of these, for the Sake of any temporal Advantages, runs a greater Risk than in all probability he is aware of; for however we may labour either to extenuate the former or magnify the latter, there can be no Comparison between them. Since then you have been guilty of such notorious Injustice, in depriving your King of his undoubted Right, and taking away his privilege of Birth-right from that innocent Prince his Son, & all that shall happen to be descended of him; and all this for the avoiding of some Inconveniences, or the obtaining of some temporal Advantages which yet are for the most but imaginary and pretended, how can you expect to escape the Divine Vengeance? or with what tolerable Confidence can you assume to your selves the Profession of Religion? If such daring Impieties, such publick Affronts to Religion, and such a manifest Contempt as well of Divine as of Human Laws, should happen to go unpunished, we might even bid adieu to all Religion, for that alone

were a sufficient Demonstration, that it is good for nothing else but only to keep Fools in awe.

A. What you accuse those of who were actually instrumental in dethroning of King *James*, and transferring his Right on the Prince of O., I am not at all concerned in. I am apt enough to believe they did an ill Thing, but let them see to that. All I plead is, that Things are so far gone, that there is a Necessity of coniving them as they are: For however unlawful it might be to deprive *R. James* of his Right at first, yet things are now brought to that pass, that the keeping of him out is, for several weighty Considerations very advisable; inasmuch as a great many who were so far from having any hand in the former that they did condemn it, do yet justify the latter, and think themselves obliged to contribute all that lies in their power towards it.

B. I knew they do; but for what Reasons or upon what Grounds I am not able to divine: For if it be a Sin to deprive a man of his Right, whoever does designedly and intentionally contribute towards the Continuance of it, or hinders his being restored to it, must needs be accessory to the Guilt of it, unless a Sin craves to be a Sin by it's being continued in, that which a greater Absurdity cannot well be imagined. It cannot be denied, but that there was a great deal of Injustice in depriving King *James* of his Right, and it must likewise be acknowledged, that the Sin of Injustice, however we may connect it in others, or be sorry for it in our selves, yet is not pardonable without making Restitution as far as lies in our Power: And if so, how they that either preach or pray against such a Restitution, or any manner of way oppose or set themselves against it, can clear themselves from the Guilt of that Sin, I am not able to comprehend; and as little do I understand what you mean by saying that it is now come to that, that there is a Necessity of Things continuing as they are. For my part, I can see no such Necessity, nay I am very well assured there is none but what is of your own making, and so you cannot fairly plead it in your Defence. But I suppose, By the Necessity of continuing things as they are, you mean no more but the Convenience

venience of so doing, and the Inconveniences that you pretend would follow upon the contrary, which as they are far from amounting to a Necessity, so they have been sufficiently answered already, by shewing you, That the Advantages arising from the Continuance of the Government now establish'd, and the Inconveniences that must attend the restoring of King *James*, though they were real as indeed they are not, can never justify such a manifest Injury, as the excluding of a good Title and substituting of a bad one in it's Room, without you can first prove, that it is lawful to do Evil that Good may come, which I hope you will not undertake to do.

In the next place. This last Plea of yours, as it is plainly impious and irreligious, so it is most unreasonable and disingenuous. This cannot better be made appear, than by considering, *First*, The Advantages that we may propose to our selves by continuing the present Government: And *Secondly*, The Inconveniences that threaten us if we should restore the former. *First* then, For the Advantages which 'tis pretended we enjoy by the present Government, and may confidently promise our selves upon the Continuance of it, over and above what we enjoyed under the former Government, or might reasonably be expected by the restoring of it (for that must be added, else they are impertinently urged.) As for these Advantages, I say, I should be very glad to know what they are. I am sure they had need be very great to support so bad a Cause; but I am afraid that however industriously your Party strives to vindicate and magnify them, when they come to be examined, like over-stretch'd Cloth they will miserably shrink in the wetting. At first indeed it was very confidently given out by some of you, and as so foolishly believ'd by others, that by the Courage and Conduct of your mighty Hero we shou'd conquer *France*, humble the Pride of that lofty *Tyrant*, tear the Prey out of his voracious Jaws: And in a Word, do such glorious Exploits as should render us Famous all over the World, and eternize our Memory to all Future Ages: But the Noise of that is now pretty well over; for after the loss of a great deal both of the Blood and Wealth of

the Nation, both spent with equal Prodigality, and Irrecoverably thrown away, we now begin to find that instead of getting more we are not able to keep what we had: Witness the Loss of *Mons. Namur* and *Charleroy*, in the Sight of all the Forces we could unite, and your invincible Champion at the Head of them. Instead of conquering *France*, we now begin to talk a little more modestly of making a Descent into it: And though your little Intelligencers, whose Business it is to retail the Lies and Sham-Stories of graver sort of Statesmen, told us last Year, what a terrible Consternation the Noise of this Descent had caused among the *French*; yet it appeared afterward, by their sending away their Grand Fleet, of purpose to invite it and make way for it, that they were more willing it should go forward than we our selves were. Your King indeed had the Vanity to say then, that he himself would head it, but it quickly appeared he had so little Stomach to it, that a great many are now of Opinion, that he will scarce ever attempt a Descent any more, till he makes one for good and all, where few will care to follow him. I suppose then I may take it for granted, that our being engaged in such an expensive War, from which we can see no Prospect of coming off with any Credit, is none of those Advantages that render the present Government so desirable. What is it then that so much endears it to us? Is it because we are thereby secured in our Liberties and Properties?

A. Yes, that I reckon is the chief Thing, especially if you join Religion with them, which indeed ought to be dearer to us than both the other. The securing of these (however lightly you may esteem of it) is certainly one of the greatest Blessings that any People is capable of: And perhaps there is no Nation in the World more happy in that Respect than we are, if we did but know how to put a just Value upon it: Which Happiness we owe in a very great measure, it not wholly, to the present Government; and therefore we should be both very ungrateful to it, and very much wanting to our selves, if we should not endeavour all that lies in our power to support it.

B. That

B. That our Religion, our Liberties and Properties are very precious Things and ought to be very dear to us, I very easily grant, and do as readily own, that by our Laws there is very good Provision made for the Security of them, which I am so far from esteeming lightly of, that perhaps I put as great a value upon it as you or any Man else; but that we owe that Security to the present Government I am so far from granting, that I wonder any Man should have the Confidence to assert it: for it is very well known that more Bills for the good of the Subject, and the redressing of publick Grievances, have been rejected and denied the Royal Assent since the late Revolution, than in several preceding Reigns, witness the late Remonstrance of the House of Commons to your King, so ridiculously baffled by him, and so shamefully speak'd from by themselves; which rejecting of Bills, (considering the prodigious Taxes that have been granted) all wise Men are amaz'd at, being doubtful in whether of the two they are the more unhappy, a Parliament that gives so much, or a King that gives so little. But that is not all, for besides that the Government has more consulted its own Security than any good of the Subject in all the Laws that have been made since it took place. I must tell you it has not been over exact in the observance of former Laws; for what can be more destructive of the Liberty of the Subject, or of those Laws that have been formerly made for the securing of it, than the confining and imprisoning of them upon meer Jealousies and Suspicions? Which how frequently and arbitrarily it has been done by the present Government I need not tell you, there having been more Instances of that Nature since the late Revolution than ever was formerly known, excepting only in the like Cases of Usurpation. What Snares have been and daily are laid, what Sham-Plots invented, and what false Informations as greedily received as maliciously contriv'd, and the Authors of them privately countenanc'd and encourag'd, and all to find some Pretence to deprive Men of their Liberties, if not also of their Lives, it were a most shameful thing to relate. In a Word, as things are now ordered, all

those ancient Laws on which the Liberty of the Subject is groundd are not worth a Rush, the bare Warrant of a Secretary of State being sufficient to supersede them all, for what Man is there who by Virtue of that is not liable to be taken up, thrown into Prison, and there confin'd during Pleasure, without ever being brought to a Trial, or so much as inform'd of what or by whom he is accused? Thus it is in England, and in our neighbouring Kingdom of Scotland it is yet a great deal worse; for there there is such Havock made of the Liberties and Properties of the Subject that the like was never known: For what by that new State-Investion of obliging Men to perjure themselves, and what by other Arbitrary Proceedings, Things are there brought to that pass that I believe in a short time the whole Nation will be imprison'd, except Fools and Knaves, the one because they have not so much Sense as to understand an Oath, and the other, because let it be never so unlawful they have not so much Honesty as to refuse it: This being the true State of Things, instead of reckoning the Enjoyment of our Liberties and Properties, an Advantage that we owe to the present Government, it may be much more truly said that we never held them so precariously, or that they never were so much at the Mercy of the Government as they are at present. And as for our Religion, which we make so much Noise about, I doubt it will be found in no better Security than the former, or if it be, I am afraid it will scarce ever thrive the better for it: For we must consider, that though Religion is a very precious Thing, yet whilst it is a very nice and tender Thing, and had rather suffer or be left to shift for itself than owe its Security to any unlawful Means, such as are inconsistent with its Principles, or may any way bring a Reproach upon it. That there may be unlawful Means us'd for the Preservation of Religion, and many times are us'd is most certain, unless you will say that the Sacredness of Religion consists in justifying every thing that is done for its Sake, than which nothing can be more absurd; And it is no less certain on the other hand, that the Means you have us'd for that purpose are such; for if the de-throning of Kings and defrauding Men of their Rights

Right be not unlawful, I know nothing can deserve that Name. These Things you have done for the Sake of Religion, and by that Means have brought such a Stain and Reproach upon it that can never be wip'd off. Certainly it had been a great deal better to have entrusted God Almighty with the Preservation of it, whose peculiar Care it is, and to have chose rather to have suffered with it if for the Will of God had been; for that in all Ages has prov'd the surest way both to preserve and propagate Religion, and would at least have kept it pure and undefiled till better Times: Whereas you by taking the Work out of God Almighty's Hands, and rescuing Religion out of pretended Dangers by such means as are utterly inconsistent with its Principles, have most basely sullied and depraved it. You may see in 2 Sam. 6. 6, and 7. what befall *Uzzab* for his indiscreet touching of the Ark, though it was to save it from tottering, and have reason to be afraid of the same Fate, since by your indiscreet Zeal in offering to rescue Religion by unjustifiable Means, instead of preserving you have most horribly profan'd it. But that is not all, for besides that, you have done a very ill Thing for the Sake of Religion, I do not see how you have preserv'd it at all, or that it is in any better Security now than formerly, but rather in much more danger. Pray, How do you like the Reformation of Religion in *Scotland*? Has not the present Government turn'd out the whole Order of Episcopacy there and all the Regular Clergy, though many of them were willing to comply with it, and had actually submitted to it? Had King *James* attempted such a Thing, it might in some measure have excus'd his Subjects revolting from him, but you know he never did: No, all that can be objected against him concerning his invading of our Religion and Properties comes very short of that: and yet he must be called the Destroyer of our Religion, and the other the Restorer and Preserver of it. Good God! How partial and dissingenuous are Men when once engaged in the Defence of a bad Cause! But in good earnest, is it now come to that, that the abolishing of Episcopacy is become a necessary Means for the Preservation of Re-

ligion? If so, it is time for our Bishops to look to themselves, for I suppose it is no unreasonable Conjecture to affirm, that what is thought a necessary Expedient for the Preservation of Religion in one place, may in time be judged to be proper in another.

A. What was done in *Scotland* in abolishing Episcopacy and setting up Presbytery, was not by an Arbitrary Power assum'd by the King himself, but by Act of Parliament, and at the Request of the generality of the Nation; and therefore If there was any thing amiss in it, it is not to be imputed to him. Besides the Church of *Scotland* and that of *England* are so different in their Constitution, that what is a proper Expedient for the Preservation of Religion in the one, may be very improper in the other.

B. That what was done in *Scotland* was by Act of Parliament I grant, but that it was at the Request of the generality of the Nation I deny; for I am very well assured, that the greater and better part of the Nation are utterly against it: That the Presbyterian Government and Clergy are merely obtruded upon them against their Consent. But what though it was done by Act of Parliament, is it ever the more justifiable for that? Is it not the same thing to be under an Arbitrary Parliament, as under an Arbitrary King? Or has the one any better Right to domineer over Mens Consciences, or to invade their Religion and Properties, than the other has? But I suppose you mention that only to take off the Odium of it from the King, and to make a Difference between what he has done, and what King *James* attempted to do: But I must tell you it will not serve your Turn, not only because your King (having a Negative Voice there as well as here) might have refused to have pass'd that Bill, nay, by his own Declaration was oblig'd to refuse it; but also because it is very well known what crafty Ways and indirect Means were us'd to pack a Parliament for that very Purpose, which is the same Grievance we complain'd of under King *James*, only with this Difference, that the one has actually done what the other did but in vain attempt to do; for you cannot choote but remember, that the chief Thing objected against

gainst him was, not so much his endeavouring to weaken and undermine the established Religion, by giving a free Toleration to all Sorts of Dissenters, for that was look'd on as a thing that would be of no long Continuance, as being grounded only on the false Bottom of his dispensing Power: The great Grievance was, that he used indirect Means to get such a Parliament as would make it a Law; which, whether true or false of him, is true enough of your King in this matter of abolishing Episcopacy, and turning out the whole Clergy of Scotland on their Free-hold to beg their bread: For the Estates were convened there merely by virtue of Circulatory Letters from the P. O. whereas yet he had no manner of Authority there, by reason whereof several Counties sent no Commissioners at all, nor would be present at the choosing of any: Only some few dissatisfied Persons took the Opportunity, and chose one another, by which means they made up a sort of a Thing which they called a *Convention of Estates*, which *Convention*, after they had first turn'd him into a King, was afterwards by him turn'd into a Parliament; and that was it that turn'd out the Bishops, and planted a Parcel of old musty Presbyterians in their Room, who, however fit they may be to cant in a Conventicle, are so far from being fit to govern a Church, that I am confident there is no discreet man would so much as entrust them with teaching his Children their Catechisms. But my Business is not with them, but with the King and Parliament that empowered them, and never there was such a notorious juggle, or such indirect Means used to pack a Parliament, I may very safely leave to the Judgment of any reasonable Man. From Scotland let us return to England, and consider what better Security we have for our Religion here than formerly. You say, the Constitution of these two Churches are so different, that what is expedient for the Preservation of Religion in one, would not at all be proper in the other, and from thence would conclude, that though the Episcopal Clergy have been turned out there, yet they are in no Danger here. I do not much care if I grant you all that, for it will neither be a

Prejudice to my Cause nor an Advantage to yours. That there is a great Difference between the Constitutions of these two Churches now, whatever there was formerly, is most certain; yet that does not hinder but that there may again be an Assimilation made between them, whether by bringing theirs up to our Model, or ours down to theirs, I shall not dispute. I shall likewise allow it to be probable enough, that our Episcopal Clergy here are in no danger of being turned out; but withal I can tell you, that they do not owe their Security either to the nature of their Constitution, or to any Love your King has for them, but only to the mighty Zeal they shew to his Service, their ready Compliance with whatever he commands, the insidious Flattery they use in their very Sermons, and the many little Arts and servile Ways by which they court his Favour, wherein they have out-rival'd the very Fanaticks themselves. By these Means they stand firm enough; and yet I cannot forbear telling you, that our Religion is never the better secured for that neither: For it is plain enough, that these Men mind themselves so much more than it, that I can see no Necessity but that the one may stand while the other falls. But now we are talking of the great Obligation the present Government has laid upon us by securing our Religion. Pray be so kind as to let me know what Religion you mean. I hope you mean that which was established by Law, namely, the Church of England, at least you ought to mean so, for that was it that was thought to be in greatest danger in King James's time. As for the Presbyterians, or any other Sect or Persecution of Protestants, you very well knew that King James was very kind to them, gave them so much Encouragement, and so far stretch'd his Prerogative to ease them from the Penal Laws, that it was one of the chief Objections against him. If he was unkind to any it was only to those of the Church of England; and therefore since you magnify the Security our Religion is in now, in Opposition to the former Reign, in all probability you must mean that of the Church of England.

A. I do so, and am very confident you will not deny, but that it is in a much more safe and flourishing Condition under the present Government, than it was under the former.

B. I am afraid it is not, but that rather it loseth ground every day. 'Tis true, King *James* suspended one of her Bishops, and imprisoned Seven more whether legally or not I shall not now dispute; however they still enjoyed their Revenues; whereas your King has turn'd the like number out of H. use and Home. It is likewise true, that King *James* by suspending the Penal Laws turn'd loose against her the whole Herd of Dissenters, who like the *Canaanites* to the Children of *Israel*, were as Thorns in her Sides; and has not your King done the same? He not only continued the same Toleration which *R. James* which was so much cryed out against for granting, but has since enacted it by a Law; so that now the Sectaries are in the same Condition, or stand upon the same Foundation, with the Church of *England*. In a word, the three grand Enemies of our Church are *Papery*, *Phanaticism* and *Atheism*. If the Government has taken any effectual Course to preserve her from these three, I grant she is very much beholding to it. But whoever enquires into it will find the Case very much otherwise: For the Heat of their Zeal to secure her from the first, has so far transported them, that they have left her quite open to the other two, to prey upon her at their Pleasure. As for the Phanatics, I have for many Years look'd upon them as more dangerous Enemies to the Church of *England* than the Papists themselves are; equally irreconcilable, but much more restless and spiteful. And if sometimes she has scarce found her self safe from their Insults, or secure from their Infections, notwithstanding their being fenced off by Penal Laws, she must be in much greater danger of being over-run by them now that Hedge is broken down. And as for *Atheism*, what a Door has been opened to that by the late Revolution, and what Numbers have thronged in at it, does but too evidently appear; which (however reproachful to Religion, or however grievous to all good

Men, yet) is not much to be wondered at: For, alas! when Men that are otherwise not very well grounded in Religion see it abused to such ill Purposes, even to cloak the greatest Crimes: When they see Children usurp their Father's Crown, and force him for the Safety of his Life to seek Shelter among Strangers: When instead of opposing it, they see the whole Clergy of a National Church Christen such an unnatural Villainy, pray for the Success and Continuance of it, father it upon Divine Providence, and crave God Almighty's Protection to it, and all those turned out to starve, or beg their Bread that refuse to join with them in it: I say, when Men that are otherwise not very well grounded in Religion, see it profaned and abused to such vile Purposes, by those who pretend to be the most zealous Professors of it, how can it otherwise be expected but that they will conclude, that all Religion is a Trick. Thus have you laid such a Stumbling-Block in the Way, as has undoubtedly occasioned the Fall of some Thousands, who might otherwise have proved good Christians, and so far hardened them against all belief of Religion, that it is impossible to persuade them that you your selves believe it: And though I grant that will not be sufficient to excuse them, yet I must tell you it will fall heavy upon those that were the Occasion of it. But besides the Door that has been opened by the late Revolution for *Phanaticism* and *Atheism* to break in upon the Church, it doth plainly enough appear, that the present Government has done what lies in it's Power quite to unchurch her; for by the late Act of Parliament, in turning out several of her organical Members by a meer Lay-deprivation, and the present Clergy's submitting to it and owning the Validity of it, by acknowledging those Anti-Bishops that were substituted in their Room, the very Foundation of the Church is altered from the old *English* Constitution to a new-model'd *Erastian Dutch* Bottom: That is to say, absolute at the Mercy of the State, and wholly depending upon it, not only in respect of her temporal but likewise of her spiritual Power: By which it appears, that in Church of *England* is so far from being in any better Circumstances

ees or more Securly now than formerly, that she is reduced to a worse state. There being at present no National Church in the World in a more precarious Condition. But letting that pass, I do not see any eff. Equal Course has been taken for the keeping out of Popery nither, though that is the only Thing you have to boast of; for it is the Opinion of a great many, that more have been proselyted to that Religion since the late Revolution, than during the Reign of King *James*, and that upon better and more solid Grounds; it being probable enough, that they who left us then did it for their Interest, whereas they that leave us now can scarce be supposed to do it upon any other Principle than that of Conscience, being loth to venture themselves any longer in a Church which they believe has so grossly prevaricated, and so shamefully receded from her former Principles. But the plain Truth of the matter is, that both you and they are in a Mistake, for that Church which this Government has establish'd, consisting of the complying Clergy and those that join in Communion with them, is not the Church of *England*, I mean, it is not the same with that which was formerly so called, but a new Establishment differ from it. The true Church of *England* consists only of those that constantly adhere to her avowed Principles of Loyalty and Non-Resistance, that is to say, those Reverend Fathers the Bishops and others of the Clergy, who out of Conscience of their Duty to their true and lawful King, most injuriously dispossessed of his Right, refuse to swear Allegiance to any other in Opposition to him. These, together with those that join in Communion with them, are all the poor Remains that are left of the once so famous Church of *England*; and how the present Government has treated and daily does treat these, I need not tell you, for you your self cannot choose but know, that they are persecuted with more Severity than the Roman-Catholics themselves.

Having thus far considered the Advantages you boast of by first setting up and still continuing the present Government, and found that there is indeed nothing in them but Noise and Froth, it only now remains,

that we briefly examine the vast Mischiefs and Inconveniencies which (as you give out) must needs attend the restoring of *K. James*, wherein I doubt not but we shall meet with no less Disingenuity than in the former. The Mischiefs pretended are no less than Popery and Slavery, as if the Restoring of *K. James* were utterly inconsistent both with our Religions and our Liberties. These Mischiefs you aggravate with so much Art, declaim against with so much Heat and Zeal and skrew Mens Fears and Jealousies of them to such a Height, that rather than fall of frightening them out of their Duty by such Means, you endanger the frightening of them out of their Wits. I can assure you. I am as little in Love with either of these Things as you your self are, and should be as much grieved to see the Nation reduced to a Necessity of submitting to them; but that the Restoration of *K. James* will reduce us to such a Necessity, I neither can be persuaded my self, nor can I believe that any man else is, whatever he may pretend, unless he is strangely byass'd. Indeed if he should return as an absolute Conqueror, purely by the Power of the *French King*, even in spite of all the Opposition of his own Subjects, I cannot deny, but that our Apprehensions of these Things might be somewhat reasonable. In such a case no Man can tell how far our Rebellion, so unreasonably begun and so obstinately persisted in, might exasperate and transport him beyond the natural Meekness of his Temper: Though even in that case I am apt enough to believe that his Resentments would be nothing such as we have deserved. But the Truth is, there is so little Probability of any such Thing, that we have not the least Fear or Apprehension of it; being very well assured that neither he himself, nor any of his Subjects (however they may be slandered) do so much as desire his being restored by any such Means, except we our selves do force him to it by precluding all other Ways: For it cannot in any reason be imagin'd but that he had rather come in by the Invitation and Assistance of his own Subjects, than by any Foreign Power, the one being no more than what we are bound to do. but the other so great a Favour that there can scarce be

be a Recompence made for it. And being it is very uneasy to one of a generous Mind, to owe that to the Courtesy of another which he may otherwise challenge as his Right, especially if he be in no Capacity of making any suitable Return, we may very safely confide in this, that he will never choose to owe his Restoration to a Foreign Power unless by our Obstinacy we force him to it : And indeed then we must even take what comes of it, and thank our selves for it : for in such Case however severely we might be chastised, as none could blame him, to none would pity us.

A. I perceive then you are for his coming in by the Invitation and Assistance of his own Subjects, which though I grant it has not so much Terror in its Looks as the former, would yet prove of a more mischievous Consequence than you are aware of ; for it cannot be imagined but that though some of his Subjects would be for it yet others would be against it, so that the best that could be expected would be a Civil War, than which nothing can be more destructive. And besides, after such an Opposition he should prevail, what tolerable Security can we have that he will not exercise his Authority more arbitrarily and tyrannically than then ever ?

B. Two Things are here objected against King James's coming in by the Invitation and Assistance of his own Subjects. First, That it would occasion a Civil War ; But pray, what Necessity is there of that ? If upon his Landing, all his Subjects should declare for him, or so much as the better sort and greater part of them (which is the Thing I propose) there would be no Civil War in the case, for whatever Opposition King and his Foreigners might make could not properly fall under that Denomination. I grant if any considerable number of his own native Subjects should take up Arms against him, and oppose him, it were a Civil War indeed, but there is nothing more certain than that in such a case they and not he are the Cause of it. What ever Mischief or Inconvenience there may be in that, they themselves are the sole Authors of it, and by Consequence the only Persons that are accountable for it. Supposing such a Civil War

were already begun, I hope you will grant me that the best way to put an end to it were by one of the two opposite Parties laying down their Arms, and whether of the two that should be, I think I may very safely refer to your Judgment, presuming you will allow it to be more reasonable that they who fight against their Lawful King should lay down their Arms than they that fight for him : And if such a Party's laying down their Arms be the best expedient to put an end to a Civil War, then certainly the best way to prevent such a War must be their ceasing to take up such Arms. The other Thing hinted against King James's Restoration, is the great probability that if ever he should recover his Right again, after he has been so long and so injuriously dispossest of it, he would be more arbitrary and illegal in the exercise of it than formerly, at least that we can have no tolerable Security of the contrary. The plain meaning of this Objection (however disguised to an use unthinking Men) is no more but this, that in Truth we have been so treacherous and basely injurious to King James, that we very much question whether ever he can pardon it ; and therefore since we have carried on our Rebellion against him so far, our safest way now is to go on with it to the end of the Chapter. I shall not now dispute what Carnal Policy there may be in this Resolution, or in this way of arguing, but I am very well assured it is utterly destitute of all Equity and Reason. 'Tis true ; there are some among us who not only did most traitorously betray him at first, but also have so studiously opposed him ever since, and so maliciously set themselves against him, that I must confess they have no reason to expect any Pardon : And for these Men to argue at that rate were somewhat allowable ; but why the Generality or far greater part of the three Nations, who are not concerned neither in one nor t'other any further than by a bare Compliance, which (however unjustifiable, yet) is so far from being unpardonable, that in Cases of the same nature it scarce ever fails of meeting with an Act of Oblivion, even from less Gracious Princes than ours is ; why these (I say) should make use of the same Argument, embrace the same Interest with the other, involve

volve themselves in their Guilt, and resolve to run the same Risk with them, is perhaps the most unaccountable thing that ever was known. Can any man reasonably think, that they who have no ground to doubt of their Prince's Pardon, should oppose his Restoration merely for fear that he will not also extend it to those that have no Reason to expect it? Is there any Necessity, or so much as any appearance of Reason, that the generality of a Nation, who by the Cunning of some ill men have been betrayed and deluded into a Compliance with their villainous Practices, should forfeit their assured hopes of Pardon, by opposing the Return of their Lawful King, for no other end but to save those very Men, who have so basely betrayed and abused them, from the deserved Punishment of their Crimes? I do not believe it will be possible for any man to persuade them to that, for that were to make them as much Fools as hitherto you have endeavour'd to make them Knaves; but 'tis to be hoped that will not so easily be done. The Nation has had time enough to reflect upon what is past, and to consider what will be their true Interest in time coming. If they will but open their Eyes they cannot choose but see the vast Difference between our present Circumstances under this unhappy Government, and what we may reasonably expect upon the Restoration of the former. What have been the Fruits of the late Revolution, or what have we reap'd after a Seiz'd-time from which we were made to hope so much? Indeed no other than we deserv'd and had Reason to expect. The Scripture it self tells us, *That what a man sows, the same shall he also reap*; and I am sure we have found it so. Had we sow'd in Tears, we might have expected to have reap'd in Joy; but the Seasons are inverted, for having wilfully neglected the former, we are justly disappointed of the latter. From those Thistles and Thorns we had planted we expected to gather Figs and Grapes, and so indeed we have, but they are such very four ones that they have basely set our Teeth on edge, and it is well if our Children escape. But why should I insist upon such a Melancholy Subject? The unfortunate War we are en-

gaged in, which has unprofitably consumed so much Treasure and Blood, the heavy Taxes that are laid upon us, not only to sustain it, but to support our impotent Allies and keep them firm to us, the Ruin of our Trade, the prodigious Losses we have received both by Sea and Land, the Poverty we are reduced to at Home, together with the Reproach and Disgrace which we every where meet with abroad, all these Things are so notorious, and the generality of the Nation so sufficiently sensible of them, that it were needless for me to enlarge upon them. These are the unhappy Circumstances we are now under, this the unfortunate Condition we are reduced to by the present Government, and which is yet worse, we have not the least Prospect of being deliver'd from the one, as long as the other continues. This being the true state of our Condition, why should we shut our Eyes and blindly oppose our selves against the only Remedy that is left, the only Expedient by which all these Grievances may be redress'd? If you ask me what that is; I answer, The restoring of our true and Lawful King. Do not pretend to be startled at it, for I am very confident, that however you may dissemble it, neither you nor any Man else that seriously and impartially considers Things, can otherwise choose but be convinced, that such a Restoration in that manner as I urge it, that is, by the Invitation and Assistance of his own Subjects, would quickly put an end to all these Miseries we now groan under, and by degrees restore us to the same happy and flourishing Condition we formerly were in.

In order to this, the Things that can be most especially supposed necessary are these, A considerable Abatement in our Taxes, A firm and well-grounded Peace with all our Neighbours, by which we may retrieve our Trade and Commerce, and recover the vast Losses we have sustained, or if there must be a War, then such a one as in all probability will end to the same End and produce the same Effects. If you think I mean a War with the Dutch, and tell me it would be very ungenerous to make War against them that now fight for us: I answer, They do not fight for us; no, 'tis

we that fight for them, and by that means secure them in that very Trade and Commerce whereof they have basely supplanted us: Yet even in that we may assure our selves nothing will be done without the Consent and Concurrence of the great Council of the Nation. It is likewise necessary, that there should be a general Pardon or Act of Oblivion, by which all Persons may be sufficiently assured, that they shall not be called to an account for what they have hitherto done against their King, or at least if any be excepted out of it, that they be but very few, and they expressly named. In the next place, that there be good Provision made for the Security of our Religion; and then lastly, that in the Administration of the Government for the future, the King have a constant and exact Regard to the established Laws of the Land, contenting himself with that Prerogative which those Laws allow him, and carefully avoiding all arbitrary and illegal Encroachments on the Liberties and Privileges of the Subject, and all such dangerous Innovations as were formerly complained of.

These Things are all that can be supposed necessary in order to put an end to our present Miseries, and recover that happy and flourishing Condition we formerly were in, and we may very confidently assure our selves that the restoring of King James after the same manner I have mentioned will accomplish them all. I must confess I see no reason why we should have the least doubt of any of them but only this, that we have very ill deserv'd them; but as that has been no Bar or Obstacle in other cases of the like nature, we have no reason to apprehend it will be any in this. If you ask me what is the ground of my Confidence, or what tolerable Security we can have for the performance of these Things, I answer we have all the Security that either in Modesty can be demanded, or in Reason be expected. Some of these Things I have mentioned, namely our being cald of a great part of those Taxes we now lye under, and either a well settled Peace, or a more advantageous and successful War than that we are now engaged in, are so evidently dependent upon the Restoration of our King, that if you do but suppose the one

you cannot reasonably entertain any doubt of the other: And as for the other Things mentioned, namely a General Pardon, the securing of our Religion and governing according to Law, you very well know that by most solemn and frequently repeated Promises and Protestations in his several Declarations he has given us all the assurance of those Things that in the present State of his Affairs he is capable to give; nay more than that, if more can be, he offers to give us all reasonable Security of it that we our selves can demand. Perhaps you will say, that considering his present Circumstances, you cannot safely rely upon any of his Promises nor any other Security he can give. Well, allowing it were so, (which yet I must tell you is extremely dissingenuous in any Man to affirm, partly because if ever he did break his Promise to us formerly, it was far from being in any such degree as you have pretended; and partly because every Man who at any one time is not altogether so good as his Word, is not therefore to be thought unworthy of Credit for ever after, unless you would banish all manner of Credits out of the World. But, I say, allowing the Case were as you alledge, that is, that all King James's Promises and Protestations can give us no tolerable Assurance of these Things, yet I still contend that it is the most unreasonable Thing in the World for any Man to distrust the performance of them: And my Reason is, because, if we seriously and impartially consider Things, we shall find that besides the Obligation he lays upon himself by his Promises for the Performance of these Things, there is such an indispensable Obligation arising from the nature of the Things themselves, that we cannot so much as suppose that he will neglect the Performance of them, without believing at the same time, that he is more than mad or the most infatuated of all Men living. He knows too well what his former Remissness in these Things has cost him, to be guilty of the same again. The Trips and false Steps he formerly made in the Administration of the Government have been so fatal to him, that if we allow him but the Prudence of a Child that dreads the Fire which has already burnt it, we cannot doubt but that he will carefully avoid them for the future.

ture. But there is yet one Consideration more, which with all unprejudic'd Persons will put this matter beyond all Dispute, and that is, that he is now grown so old, and by Croffes and Misfortunes so far worn out, that it is rather a wonder that he has lived so long, than any ways probable that he can live much longer, and that he leaves a young Prince to succeed him whom he loves with the greatest Tenderness imaginable, and for whose Settlement he would gladly make some lasting Provision, even at the expence of all that is most dear to him: And since that cannot otherwise be done but by a faithful and exact Performance of all these Things I have mentioned, and indeed of every Thing that can bind and oblige us, How can any Man doubt of the Sincerity of his Intentions? Having so dear a Pledge for the Performance of his Promises, what greater Security could we wish? He cannot choose but know, that if he should break those solemn Promises he now makes us, by violently invading either our Religion or our Laws, however he himself might evade the Repentment of his so grossly abused Subjects, it were impossible to prevent it's falling heavy upon that innocent Prince that succeeds him. And therefore being his chiefest Care is to provide for his Safety, and establish his Right, and that he himself cannot expect to live so long as to see him in a Capacity to maintain it, but must of necessity entrust him to the Fidelity and Affection of his Subjects; we may confidently assure our selves he will be very tender of doing any thing that may reasonably disoblige them. All that can be replied to this is, that this Consideration ought to have had the same Influence upon him formerly, which yet we see it had not: To which I answer that formerly he did not imagine that such light Escapes could have so far exasperated his Subjects, as to cause such a general Revolt and Rebellion against him, but now he is sufficiently sensible of it, and consequently however little Influence it might have upon him then, **it is** but reasonable to think it will have a great

deal now. Indeed, had he never known by experience the Temper of his Subjects, how jealous they are of their Liberties and Privileges, and how apt to resent the least Encroachment upon them, even against their Kings, or had he not to succeed him but those that have disoblig'd him, nor any thing to care for after his Decease, you might have some pretence for your Distrust. But you see the Case is very much otherwise. He knows what he has to trust to if he should treat us otherwise than well, he entrusts us with a Prince who is dearer to him than his Life, on both which Considerations we very confidently may assure our selves of all the good usage we can reasonably expect,

Thus, Sir, I have given you an Account both of the pretended Advantages we enjoy by K. *James*'s Government, and the real Advantages we may reasonably hope for by the Restoration of K. *James*. And because I see that of late you have made no Reply to what I have said, I shall with it finish this Conference which though it has lasted much longer than either I expected or at first intended, yet if it has given you any manner of Satisfaction, I shall think both the Time and my Pains very well employed.

A Sir, I do not only very heartily thank you for the Trouble you have been at, but do likewise assure you, that what you have said has given me a great deal of Satisfaction, and made a very deep Impression upon me. I am not at all afraid but that the most material Points of it will for some time be very fresh in my Memory, nor do I much question, but that by seriously reflecting upon them, and comparing them with my former Sentiments, they will go nigh to finish what they have already sensibly begun. But that I may not any longer detain you from your other Employments, I will now take my Leave of you, hoping you will be so kind as to believe, that I am very much your Servant.

B. Sir, I am yours.

F I N I S.

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